

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10705 of 2018

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M/s Prema Automobiles Private Limited , Registered Office at Bidhyavasini Bhawan, Groud Fllor, Post Office Lane, Exhibition Raod, Police Station- Gandhi Maidan, District- Patna through, Ribhu Kumar, Director of the Firm.

... .. Petitioner/s

Versus

1. The State Of Bihar thoiugh Principal Secretary, State Department of Transport, Government of Bihar, Patna.
2. The Transport Commissioner, Govt. of Bihar, Patna.
3. The District Transport Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Badri Nr. Singh and Sanjay Kumar Pandey,
Adv.

For the Respondent/s : Mr.Smt.Anuradha Singh -SC21

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 27-02-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:-

“(i) To quash the order/letter dated
08.05.2018 issued by the district Transport
Officer, Patna, directing this petitioner to
deposit penalty amount of total rs.
19,84,570.00 within 15 days of receipt of
letter otherwise the trade Certificate
License issued and granted to this



petitioner under Section 6 of the Bihar Motor Vehicle taxation Act would be cancelled.

(ii) Direct the D.T.O. Patna to issue Trade Certificate License to continue the business of petitioner, subject to the order of this Court to be passed in future.”

It is not disputed before us that the issue raised in the present petition is fully covered with the judgment rendered by a Division Bench of this Court in C.W.J.C. No. 7536 of 2012 titled as Srinibash Agrawalla and the State of Bihar & Ors.

As jointly prayed for by learned counsel for the parties, we dispose of the present petition with the directions contained in the judgment referred to above, making them applicable, mutatis mutandis, in so far as applicable, also to the instant case.

Consequently, the impugned order dated 08.05.2018 issued by the District Transport Officer, Patna directing deposit of payment is set aside with a direction to the respondents to re-calculate the amount of tax/penalty and fix liability payable as per law. If the amount already deposited by the petitioner is found to be in excess, the same shall be refunded within a



period of four weeks thereafter. This, however, shall be subject to the outcome of further proceeding which may be initiated by either of the parties as per law.

Proceedings of assessment be positively concluded within a period of four weeks from today. Parties are directed to appear before Officer on 23.03.2020 at 11:00 AM.

Parties undertake to fully cooperate and not take unnecessary adjournment.

The instant petition stands disposed off in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv/-

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