

AD-13
Ct No.09
01.08.2022
TN

WPA No.16912 of 2022

Indra Brata Jha
Vs.
The State of West Bengal and others

Mr. Barun Kumar Samanta

.... for the petitioner

Mr. Amal Kr. Sen,
Mr. Jaladhi Das

.... for the State

Learned counsel for the petitioner, by placing reliance on the representation of the petitioner annexed at page-20 (dated July 14, 2022) of the writ petition, submits that the petitioner's vehicle was seized on several counts of alleged offences. The petitioner had given the said representation to the respondent-authorities indicating that it was a first-time unintentional offence and that the petitioner be permitted to pay normal penalty as per the Motor Vehicles Act and set in motion the process for the release of the said Bus.

Upon instruction, learned counsel for the respondent-authorities hands over a written instruction in the form of Statement of Facts which indicates that cent per cent penalty has been imposed on the petitioner, to the tune of Rs.1,80,716/- in total.

Since it is entirely within the discretion of the respondent-authorities to grant or refuse any rebate/concession with regard to the payment of unpaid taxes and other compliances, the petitioner does not have any legal right in that regard as such, to be enforced through the Writ Court.

Hence, there is no scope of interference in the present writ petition.

WPA No.16912 of 2022 is, accordingly, disposed of upon keeping the written instruction filed by learned counsel for the respondents on record.

It is made clear that in the event the petitioner clears off the total amount due from the petitioner as per the respondent-authorities, the respondents shall take immediate steps for release of the petitioner's vehicle.

However, nothing in this order shall prevent or preclude the petitioner from challenging the quantum of tax imposed by the respondent-authorities, if the petitioner is otherwise entitled in law to do so.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)