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WPA 20529 of 2022

Dina Nath Yadav

Vs.

Deputy Commissioner of State Tax,
Goods and Service Tax Bureau of Investigation and
Ors.

With

WPA 20531 of 2022

Surojit Das

Vs

Deputy Commissioner of State Tax & Ors.

Mrs. Rita Mukherjee,

Mr. Ghanshyam Jha,

Mr. Rowsan Kr. Jha

... For the Petitioner in WPA 20529 of 2022.

Mr. Abhrotosh Mazumder, Ld. Sr. Adv.,

Mrs. Rita Mukherjee,

Mr. Ghanshyam Jha,

Mr. Rowsan Kr. Jha

... For the Petitioner in WPA 20531 of 2022.

Mr. A. Ray, Ld. G.P.,

Mr. T.M. Siddiqui,

Mr. N. Chatterjee,

Mr. V. Kothari

... For the State.

Heard learned Advocates appearing for the parties.

Both these writ petitioners are being disposed by this common order since both are related to each other. Facts in short is that the vehicle in question was detained on 22nd August, 2022, by disputing the ownership of the loaded goods in question on the said vehicle and proceedings was initiated under the relevant provisions of WBGST Act and it appears from record that already an adjudication order has been passed on 7th September, 2022. Petitioners are aggrieved by the action of the respondent authority

concerned initiating proceedings against the driver of the vehicle in question and not entertaining the claim of the consignee. Both these writ petitioners being WPA 20529 of 2022 and WPA 20531 of 2022 are disposed of by this common order by setting aside the impugned order of adjudication dated 7th September, 2022 and the matters are remanded back to the Adjudicating Authority concerned to pass a fresh speaking order in accordance with law and after issuing appropriate notice of hearing to the consignee/writ petitioner in WPA 20531 of 2022, Surojit Das or his authorised representative within four weeks from the date of communication of this order and petitioner/consignee will also be entitled to make appropriate application for release of the goods in question in accordance with law, which shall be considered by the respondents concerned expeditiously.

Mr. Siddiqui, learned Additional Government Pleader submits that since these writ petitioners are disposed of without calling for affidavits, allegations contained therein shall be deemed to have been denied by the respondents.

(Md. Nizamuddin, J.)

