

WPA 9610 OF 2023

06.06.2023

Sl no. 35

Ct no. 2

P.M.

Krishna Cold Storage

- Vs -

The State of West Bengal & Ors.

Mr. Avra Mazumder,
Mr. Arun Kr. Upadhyay,
Mr. Suman Bhowmik,
Mr. Samrat Das

... for the petitioner

Md. T. M. Siddiqui,
Mr. D. Ghosh,
Mr. V. Kothari

... for the State.

Heard learned advocates appearing for the parties.

By this writ petition petitioner has challenged the impugned order dated 8th March, 2023 passed under Section 129(3) of the WBGST Act, 2017 imposing penalty for expiry of e-way bill which is lesser than a day.

It is the case of the petitioner that such delay was neither willful nor deliberate on the part of the petitioner and the same was occurred due the reason beyond the control of the petitioner.

In support of its contention learned advocate appearing for the petitioner has relied on an

unreported decision of this Court dated 1st March, 2022 passed in the case of Ashok Kumar Sureka – vs – Assistant Commissioner, State Tax, Durgapur Range, Government of West Bengal (WPA 11085 of 2021).

Mr. Siddiqui, learned Additional Government Pleader submits that the aforesaid unreported decision relied upon by the petitioner is not applicable in the facts and circumstances of this case.

Considering the exceptional facts and circumstances of this case and submission of the parties and taking into consideration the fact that the period of expiry of e-way bill is lesser than a day and that such delay was not deliberate and willful and the delay has been caused for the reason beyond control of the petitioner, this writ petition being WPA 9610 of 2023 is disposed of by setting aside the impugned order dated 8th March, 2023.

In view of setting aside of the aforesaid impugned order all legal consequence will follow automatically.

(Md. Nizamuddin, J.)