

WPA 21023 OF 2023

04.09.2023

Sl no. 16

Ct no. 2

P.M.

Aswini Kumar Dan (Agency)

- Vs -

The State of West Bengal & Ors.

Ms. Sweta Mukherjee

... for the petitioner

Mr. Anirban Ray, Ld. Govt. Pleader

Md. T.M.Siddiqui,

Mr. S. Sanyal

... for the State.

Heard learned advocates appearing for the parties.

By this writ petition petitioner has challenged the impugned appellate order dated 29th August, 2019 passed under Section 107 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 21023 of 2023 is disposed of by setting aside the impugned order dated 29th August, 2019.

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

(Md. Nizamuddin, J.)