

20th August,
2024
(AK)
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W.P.A 16731 of 2024

Rajesh Kumar Mishra
Vs.
State of West Bengal and others

Mr. Lal Mohan Hajra
Mr. Somesh Panja
Mrs. Anuradha Hajra
Mrs. Moutusi Hazra

...for the petitioner.

Mr. Anirban Ray
Md. T.M. Siddiqui
Mr. Tanoy Chakraborty
Mr. Saptak Sanyal
Mr. N. Chatterjee

...for the State.

1. Affidavit-of-service filed in court today be kept on record.
2. The present writ petition has been filed, inter alia, challenging an order passed under Section 129(3) of the WBGST/CGST Act, 2017 (hereinafter referred to as 'the said Act').
3. It appears that on identical set of facts challenging the order dated 10th February, 2023, the petitioner had moved a writ petition which was registered as WPA 7678 of 2023.
4. Such writ petition was disposed of by an order dated May 8, 2023 directing the respondent authorities to intimate the petitioner within two days from the date of communication of such order

the conditions to be fulfilled, for release of the seized truck-in-question as per law and upon the petitioner fulfilling the conditions to release the truck-in-question.

5. The petitioner contends that since the petitioner subsequently fell ill, no steps were taken to furnish the bond for getting seized truck release in terms of Section 129 of the said Act.
6. The petitioner says that after recovering from his illness, the petitioner has filed the present writ petition.
7. I find that the explanation given by the petitioner in failing to comply with the conditions for release of the vehicle in terms of the directive passed by this Hon'ble court dated 8th May, 2023 is inadequate. No particulars as regards the medical condition of the petitioner have been disclosed. No documentary evidence to support his medical condition has also been disclosed.
8. Records reveal that despite obtaining an order passed from this Court on 8th May, 2023 and on the petitioner's own showing, the petitioner having failed to furnish bond to get the goods released, I am of the view that the petitioner is not entitled to any further indulgence.
9. The writ petition accordingly stands dismissed without any order as to costs.

10. Dismissal of the writ petition, however, shall not stand in the way of the petitioner in approaching the respondents to get his goods and vehicles released in accordance with law.
11. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)