

SL 13
25.01.2024
SBIII
nm

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 2834 of 2023

**Jasvir Singh Dhillon
-versus
The State of West Bengal & Ors.**

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah
...For the Petitioner.
Mr. Subir Kr. Saha, AGP,
Mr. Nabankar Paul.
..For the State.

Learned advocate representing the State respondents, in pursuance of the order passed by this Court on 22.01.2024, has taken instruction and submits that a direction may be passed upon the Joint Commissioner, Revenue to revisit the issue as the writ petitions which were mentioned in the impugned order dated 9th September, 2023 has already been disposed of by the Court.

Learned advocate representing the petitioner draws attention of the Court to the order dated 12.09.2023 passed by a co-ordinate Bench of this Court in WPA/509/2023 (DRB Infrastructure Pvt. Ltd. & Anr. Vs. The State of West Bengal & Ors.) wherein the Court took note of the fact that bank guarantee was furnished by the consignor (DRB Infrastructure Pvt. Ltd.) and the same has been kept with the Senior Joint Commissioner of Revenue.

The petitioner is the owner of the vehicle by which the seized goods was being transported. The vehicle was seized way back on 26.12.2022.

The petitioner prays for releasing the vehicle.

Learned advocate representing the State respondents submits, upon instruction that, there is a demand which is pending.

Upon hearing the parties and upon perusal of the documents annexed to the writ petition it appears that the reason mentioned for not releasing the vehicle in question, no longer exists. There has been change in the circumstances as the writ petitions which were pending at that point of time, later stood disposed of. The consignor already furnished the bank guarantee with the Senior Joint Commissioner of Revenue.

In such situation, the Court thinks it fit to direct the Joint Commissioner, Revenue to revisit the issue upon taking into considering the subsequent facts and the fact of furnishing the bank guarantee by the consignor. The aforesaid respondent shall afford an opportunity of hearing to the petitioner or his authorized representative and thereafter pass a fresh order. The petitioner shall be permitted to rely upon all documents in support of his prayer for releasing the vehicle.

A decision shall be taken in the matter at the earliest, but positively within a period of four weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)