
(2021) 11 UK CK 0038

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1081, 1406 Of 2018

Jai Durga Stone Mills & Others

APPELLANT

Vs

State Of Uttarakhand Through Secretary Transport
Secretariat Complex And Others

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Citation : (2021) 11 UK CK 0038

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Nikhil Singhal,, Mamta Bisht, M.S. Bisht

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner has challenged the order dated 10.11.2017 passed by Assistant Regional Transport Officer, Haridwar whereby he was asked to deposit a sum of Rs. 74,750/- alongwith a penalty of equal amount within one week.
2. Learned counsel for the petitioner has apprised the Court that the amount of tax has been deposited by the petitioner and petitioner is challenging the impugned order only to the extent that it has imposed penalty.
3. Learned Deputy Advocate General has produced an order passed by this Court in Writ Petition (M/S) No. 1404 of 2018. Based on the said order, learned Deputy Advocate General submits that since petitioner has alternative remedy of filing an Appeal against the order impugned in the writ petition, therefore, the present writ petition is not maintainable.
4. Learned counsel for the petitioner submits that writ petition may be disposed of with liberty to the petitioner to make an appeal and the Competent Authority be directed to take decision on petitioner's appeal on merit within some stipulated time.

5. Having regard to the facts of the case, the writ petition is disposed of with liberty to the petitioner to file an Appeal against the impugned order before the Transport Commissioner, Uttarakhand. If petitioner files an appeal within three weeks from today, the same shall be decided on merit as early as possible preferably within a period of six months.

6. Since this Court has not considered the challenge thrown in the writ petition on merits, therefore, petitioner shall be at liberty to re-approach this Court, if need be.

7. No coercive action shall be taken against the petitioner pursuant to the impugned order for a period of six months or till decision in his appeal, whichever is earlier.