(1985) 09 PAT CK 0005

In the Patna High Court

Case No : C.W.J.C. No. 1079 of 1985 (R)

M/s. Lohia Machine Ltd. and Others — APPELLANT

Vs

State of Bihar and Others — RESPONDENT

Date of Decision : 09-09-1985

Acts Referred:

Citation : (1985) PLJR 291

Hon'ble Judges : S. Roy, J;Abhiram Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Satyeshwar Roy and Abhiram Singh, JJ.—When we enquired from G.P. 2 with regard to the question whether the petitioner was required to carry road permit issued under Rule 42 of the Bihar Sales Tax Rules for transporting the scooters from Kanpur for delivery at Pardih, Jamshedpur, he stated that no road permit is required. Yesterday Mr. Jain, Learned Counsel for the petitioner had drawn our attention to a Bench decision of this Court in Bhagwan Prasad vs. Officer-in-charge, Hathidah Check post, (sic)okamah and others, 1980 BRLJ 110:27 STC wherein it was laid down that in inter-State trade, Rule 38 (2) of the Bihar Sales Tax Rules, 1976 was not applicable. We may mention that Rule 38 (2) of 1976 Rules corresponds to Rule 42 of Rules, 1983. Inspite of the Bench decision of this Court, respondent no. 2 withheld the vehicle (lorry) with the Scooters loaded therein at Pardih Check post, Jamshedpur. In the circumstances, this application is allowed and Annexure 3 is quashed. Respondents are directed to release the lorry along with scooters loaded therein to the petitioner represented by Sri. A.K. Zutshi who will receive the same. In the circumstances, we direct that the respondent no. 2 shall pay cost of Rs. 10000/- to the petitioner.

