

Court No. - 3

Case :- MISC. BENCH No. - 37117 of 2018

Petitioner :- Avtar Trading Co. Thru. Prop. Avtaar Singh & Anr.

Respondent :- State Of U.P. Thru. Secy. Institutional Finance & Ors.

Counsel for Petitioner :- Shubham Agrawal, Sameer Gupta, Sanjay Gupta, Yogesh Chandra Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Ritu Raj Awasthi, J.

Hon'ble Alok Mathur, J.

Learned counsel for the petitioners submits that the opposite parties in most arbitrary and illegal manner have detained the vehicle as well as the goods. There is no contravention of the provisions and there is no evasion of tax. The driver of the vehicle was carrying the genuine documents which are not controverted, as such the vehicle cannot be detained.

Mr. Sanjay Sareen, learned Standing Counsel appearing for the opposite parties agrees that it is not the case of the opposite parties that the documents carried by the driver of the vehicle were forged.

In view of the above, prima-facie we are satisfied that the vehicle cannot be detained by the opposite parties. The opposite parties as such shall release the vehicle on furnishing personal bond of the Vehicle No. UP16 DT 3636 forthwith.

List this case for hearing after Holi holidays.

Order Date :- 13.3.2019

A.K. Singh