

W.P.(C) No.7093 of 2018

02. 30.04.2018

At the outset, Mr. B.M. Sarangi, learned counsel for the petitioner submits that in the cause title, due to typographical error, opposite party no.2 has wrongly been typed as A.R.T.O., Khorda in place of R.T.O., Khorda, as such permission has been sought for to make necessary corrections.

Considering his submission, learned counsel for the petitioner is directed to make necessary correction in the cause title in course of the day.

Head Mr. B.M. Sarangi, learned counsel for the petitioner and Mr. B. Sharma, learned Standing Counsel for the Transport Department.

Mr. Sarangi, learned counsel for the petitioner submits that though the petitioner is ready to pay the tax but he is facing difficulties on account of imposition of penalty in respect of vehicle bearing Registration No.OD-02 M 1475 (Truck).

Mr. Sarangi, learned counsel for the petitioner submits that the order passed by a Coordinate Bench of this Court in W.P.(C) No.22858 of 2017 disposed of on 6.11.2017 is squarely covered to the facts of this case.

Mr. Sharma, learned Standing Counsel for Transport Department submits that law requires over to pay tax for plying vehicle. So far as penalty is concerned, there exists provision under the statute to deal with such grievance. He, after going through the order dated 6.11.2017 passed in W.P.(C) No.22858 of 2017 agreed that the facts of the case is squarely covered with the facts of the instant writ petition.

Considering the submission made by the learned counsel for the parties, with their consent and after going through the record, this Court directs the authority to accept the tax without prejudice.

So far as penalty is concerned, the petitioner is at liberty to pursue his remedy with the appropriate authority in accordance with law.

Accordingly, the writ petition stands disposed of.

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S.N. Prasad, J.