

GIB/KR/DAIWIK/04-12-2019/HC-41

High Court Category : Others

State : Kerala

Order No.: GIB/KR/DAIWIK/04-12-2019/HC-41

Name of Entry :

Daiwik Motors

Date : 04-12-2019

Breif Issue :

Issue Involved –

Whether the detention of goods and vehicle by the Competent Authority on ground that transaction between parties was supposedly a stock transfer and was not a sale, since there was no transfer of ownership of goods to consignee was justified?

Fact of the Case –

- Competent Authority had detained goods of assessee under transport and also vehicle on ground that transaction between parties was supposedly a stock transfer and was not a sale, since there was no transfer of ownership of goods to consignee.
- Assessee filed writ petition seeking relief in this regard on the ground that definition of supply under section 7 was not confined to transactions of sale but included transfer for other purposes also, therefore, detention of goods and vehicle was unjustified.

Decision of Advance Ruling Authority :

Decision –

The Court passed an order in favour of assessee and direct the Competent Authority to release goods and vehicle on assessee furnishing bank guarantee for tax and penalty amount determined in detention order.