

**Penalty not imposable for expiry of E-Way Bill in absence of any intention to evade tax: HC**

**Facts of the case - Ajay Shaw v. Assistant Commissioner of State Tax - [2022] (Calcutta)**

The goods and vehicle of the petitioner were intercepted by the department and it was found that e-bill was expired. The department detained goods & vehicle and levied penalty. The petitioner submitted that there was a genuine problem of breakdown of the vehicle but the appeal was also rejected. It deposited tax and penalty demanded in the order and filed writ petition against the same.

**Decision of the case :**

The Honorable High Court noted that the department could not make out any case against the petitioner that there was any deliberate or wilful intention of the petitioner to avoid and evade the taxes. In the instant case, e-Way Bill was expired due to break down of vehicle and there was no intention of any evasion of tax on part of petitioner. Therefore, the Court held that the order was liable to be set aside and petitioner was entitled to get refund of tax and penalty in question subject to compliance of legal formalities.