



JUDGEMENT

Burden To Prove Double Movement Of Goods Based On Same Documents Lies On Department

In Case Of:	M/S K Y Tobacco Works Pvt. Ltd.
Issued By:	Allahabad High Court
Order No:	WRIT TAX No. - 574 of 2019
Order Date:	13 th May 2024

OBSERVATIONS

- The petitioner's consignment was detained and seized despite having all necessary documents.
- The sole ground on which the goods were detained and seized and penalty order was passed, was the statement supposedly given by the Driver of the vehicle who submitted that he was transporting the goods for the second time with the same documents.
- The respondents failed to produce the crucial MOV-01 document, undermining the validity of the driver's statement as evidence.

FINDINGS

- The court found the driver's statement without MOV-01 to be of very little evidentiary value.
- Respondents did not discharge their burden of proof regarding the double movement of goods, as required by precedent set in M/s Anandeshwar Traders v. State of U.P.
- No mens rea for tax evasion was proven by the respondents. Consequently, the court quashed the impugned orders and instructed the refund of penalty and security deposited by the petitioner within six weeks.
- The court emphasized the need for timely assistance and provision of relevant documents by the authorities to prevent the failure of defending their cases effectively.

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