

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11388 OF 2014**

The Additional Commissioner of
Sales Tax .. Petitioner
vs
M/s Eastern Steel Industries .. Respondent

Mr.P.G.Sawant Assistant Government
Pleader for State

Mr.C.B.Thakkar Advocate for Respondent

**CORAM : S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.**

DATED : 7TH JULY,, 2015

P.C.

1. We have heard both sides and perused the Affidavit of Mr.Vinay Dattatray Athavale,Deputy Secretary, Finance Department,Mantralaya, Mumbai tendered today. We have taken it on record and from a perusal of this Affidavit, we are satisfied that the Revenue is taking necessary steps to fill up the vacancies which have been caused by retirement or expiry of the term of the Judicial Members and Administrative Members of the Tribunal.

2. Now that we have impressed upon the Revenue and the State as a whole that the process for filling up vacancies

must commence in advance and a provision is also made in that regard, we do not think that the Writ Petition deserves to be kept pending.

3. We accept each of the statements made in this Affidavit as an undertaking given by the State and the Revenue to this Court.

4. Writ petition is finally disposed of. We clarify that all other issues including availability of infrastructure or lack of provisions that are required to be made particularly budgetary for housing accommodation, provisions of vehicles, staff, would all be dealt with and the members of the Bar and equally public are free to highlight them in the pending Public Interest Litigation.

5. In so far as the issue raised of charging rent to the Maharashtra Sales Tax Tribunal Bar Association for the use of the premises in the Tribunal building, we accept the assurance of Mr.Sawant and based on the statements made in paragraph 8 of this Affidavit.

6. Let the Bar Association forward all the grievances in that regard and in writing to the Commissioner of Sales Tax, Mumbai who can thereafter take up the case with other Departments of the State. We do not issue any order and directions simply because, the State has informed that a policy decision will have to be taken on this aspect and which will affect not only the Tribunal but other Courts in the Districts and State. In such circumstances, as far as this aspect is concerned, we leave it open to the members of the Bar to pursue with the State.

G.S.KULKARNI, J

S.C.DHARMADHIKARI, J