IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

MAHARASHTRA VALUE ADDED TAX APPEAL NO. 23 OF 2015

M/s. H. M. Bhagat & Co.	**}**	**Appellant**
versus		
State of Maharashtra	**}**	**Respondent**

Mr. P. C. Joshi with Mr. Piyush Shah for the Appellant.

Ms. Anjali N. Helekar – AGP for State.

CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.

DATED :- SEPTEMBER 29, 2015

P.C. :-

Having heard Mr. Joshi appearing for the Appellant and perusing with his assistance the impugned order of the Tribunal, we are of the opinion that this Appeal does not raise any substantial question of law. The Tribunal, on an application, styled as miscellaneous application for interim relief, directed that the Appellant should deposit a sum of Rs.12,41,469/-. That was the sum determined even by the first appellate authority. That is a pre-condition for staying the recovery of taxes pending the disposal of the First Appeal. The Tribunal had before it the rival contentions. The Tribunal found that so long as the proof of the transactions undertaken being genuine is not produced, it will not be possible to grant total stay of recovery of taxes. Meaning thereby, an unconditional stay of recovery of taxes, pending the Appeal, cannot be granted in the facts and circumstances.

2) We do not find that such a conclusion and which is prima facie and tentative raises any substantial question of law. The Appeal is therefore devoid of merits and dismissed. However, the time to comply with the pre-condition is extended by a period of eight weeks from today. If the amount determined as the pre-condition is deposited within this period, there will be stay of the recovery of balance amount as determined in the assessment order. Any default would visit the Appellant with all consequences in law.

(B.P.COLABAWALLA, J.) **(S.C.DHARMADHIKARI, J.)**

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.