

HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

AND

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.14980 OF 2015

ORDER: (Per Hon'ble Sri Justice Vilas V. Afzulpurkar)

Petitioner questions the distraint order impugned herein, dated 11.05.2015. Earlier thereto, petitioner was given a notice by the respondents, dated 30.11.2013, calling upon him to pay the availed deferred tax of about Rs.40,00,000/- within seven days. Admittedly, petitioner has ceased to carry on business since 2009 and as such, the sales tax deferred amount permitted under the Scheme was not available to him. Hence, the same was sought to be recovered. After the said notice, dated 30.11.2013, petitioner has paid about Rs.7,00,000/- on various dates as set out in paragraph No.6 of the affidavit in the present Writ Petition.

Learned counsel for the petitioner seeks two years' time to enable the petitioner to pay the balance amount.

Heard learned Government Pleader for Commercial Taxes.

In the facts and circumstances of the case, we are not inclined to accede to the request of the learned counsel for petitioner as sufficient time is already availed by the petitioner. We are, however, inclined to grant time for payment of balance amount in two equal monthly installments. The first installment shall be payable on or before 30.06.2015 and the second installment shall be payable by 31.07.2015. The distraint order shall, therefore, remain in abeyance subject to the petitioner complying with the conditions aforesaid. It is made clear that in the event of default by the petitioner, the respondent authority shall be free to proceed further in pursuance of the impugned distraint order.

The Writ Petition is, accordingly, disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

May 28, 2015

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