

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-11477-2015

Date of decision:- 28.05.2015

M/s Rawat Crane Service, Faridabad

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Rajiv Agnihotri, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The petitioner has filed an appeal before the Tribunal. However, the Tribunal under the Haryana Value Added Tax Act, 2003 has not yet been constituted. The constitution of the Tribunal also depends upon certain other proceedings which have been filed unconnected to the present writ petition. In the circumstances, the appeal that had been filed by the petitioner cannot proceed at this stage. In lieu thereof, it is not possible for the petitioner to seek interim relief before the Tribunal. Considering the order passed in similar matters including an order dated 04.03.2015 in Civil Writ Petition No. 3961 of 2015 (*M/s Kohinoor Foods Ltd. v. The State of Haryana and others*), we dispose of this writ petition by the following order:-

In the event of the petitioner furnishing by 15.06.2015 security contemplated under Section 33(5) of the said Act, recovery proceedings be not initiated. The respondents shall consider whether the security, if offered by the petitioner, is satisfactory or not. In the event of security being offered by 15.06.2015, the recovery proceedings shall not be initiated till the decision of the respondents on the question as to whether the security is

adequate or not and for a period of one week thereafter, in the event of the decision being adverse to the petitioner. However, pending the appeal the petitioner shall not dispose of its immovable properties or encumber the same in any manner whatsoever.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(G.S. SANDHAWALIA)
JUDGE

28.05.2015

Amodh