IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.23983 of 2014
Date of Decision: 19.02.2015

M/s J.J. Solvex Private Limited

....Petitioner

Vs.

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Avinash Jhingan, Advocate
for the petitioner.

Ms. Radhika Suri, Addl. Advocate General, Punjab

Rajive Bhalla, J (Oral)

The petitioner impugns validity of Section 62(5) of the Punjab VAT Act, 2005 (hereinafter to be referred to as “the Act”).

Counsel for the petitioner states that he gives up challenge to the vires of Section 62(5) of the Act, if the State is ready to re-examine purchase invoices and supporting documents for the purpose of its claim of Input Tax Credit.

Counsel for the State of Punjab submits that she has instructions to state that in case the petitioner produces the purchase invoices and all relevant documentation, to the satisfaction of the Assessing Officer within one month, the purchase invoices and relevant documents shall be reconsidered and in case it is so required, a fresh assessment order would be passed in accordance with law.

We have heard counsel for the parties and in view of the statements made by counsel for the parties, dispose of the writ petition by setting aside the impugned orders and restoring the matter to the Assessing Officer to examine the petitioner's claim for Input Tax Credit afresh and in accordance with law but only if the petitioner produces all relevant purchase invoices/documents within one month. In case the petitioner does not produce the relevant purchase invoices/documents within one month, the original assessment order shall come into effect forthwith.

(Rajive Bhalla)
Judge

February 19, 2015
vcgarg

(Amol Rattan Singh)
Judge