

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

CWP-2764-2015

Date of decision:- 28.05.2015

M/s Baxter India (P) Ltd.

...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. Avneesh Jhingan, Advocate,
for the petitioner.

Ms. Mamta Singla Talwar, Assistant Advocate General, Haryana.

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

The petitioner's appeal is pending before the Haryana Tax Tribunal. The only reason this petition has been filed is because the Haryana Tax Tribunal has not been constituted as yet. There is some difficulty in constituting the Tribunal, inter alia, on account of the pendency of certain proceedings questioning the constitution of the Tribunal. The writ petition is, therefore, disposed of by directing the appeal to be heard on merits in view of the petitioner's undertaking to keep the bank guarantees alive pending the hearing and final disposal of the appeal and for a period of six weeks thereafter. The respondents shall be entitled to invoke the bank guarantees only upon the expiry of a period of four weeks from the date of the communication of the decision of the Tribunal, if adverse to the petitioner.

2. The amendment to the bank guarantees to keep them alive pending the hearing and final disposal of the appeal before the Tribunal shall be carried out within four weeks from today. If the amendment is not carried out within four weeks from today, the respondents shall be entitled to encash the present bank guarantees.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(G.S. SANDHAWALIA)
JUDGE

28.05.2015

Amodh