

**IN THE HIGH COURT OF BOMBAY AT GOA**

CIVIL APPLICATION NO. 26 OF 2016

IN

TAX APPEAL NO. 2 OF 2016

M/S MODELS CONSTRUCTIONS PVT.  
LTD.,

... Applicant

Versus

DEPUTY COMMISSIONER OF INCOME TAX

... Respondent

Mr. Aurobindo Gomes Pereira, Advocate for the Applicant.  
Ms. Asha A. Desai, Advocate for the Respondent.

Coram:- F. M. REIS &  
NUTAN D. SARDESSAI, JJ.

Date:- 10th October, 2016

P.C.

Heard Mr. Pereira, learned Counsel appearing for the Applicants  
and Ms. Desai, learned Counsel appearing for the Respondent.

2. This is an application to stay the operation of the impugned demand by the Respondent-Revenue. It is not disputed that in terms of the circular dated 29.02.2016, to entertain an Appeal challenging such demand, atleast the minimum of fifteen percent of the amount in question has to be deposited.

3. In such circumstances, though the learned Counsel appearing for the Applicants states that the Applicant has a good case on merits and that the Appicant has deposited a substantial amount before the

authorities when the demand in question was under challenge before the authorities below, nevertheless, it will not be possible for this Court at this stage to ascertain the correct amount to be deposited.

4. In such circumstances, the impugned order dated 20.01.2016 is stayed subject to the Applicants' depositing a total amount of fifteen percent of the demand in question to the satisfaction of the Principal Commissioner of Income Tax within two weeks from today.

5. It is contended by the learned Counsel appearing for the Applicants that he has already deposited such amount. The Principal Commissioner to examine such aspect whilst complying with the above directions.

6. Application stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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