

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

CWP No.9997 of 2016 (O&M)
Date of decision: 19.9.2016

Luxottica India Eyewear Private Limited

..... Petitioner

Versus

The State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. Deepak Suri, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

RAJESH BINDAL, J

This order will dispose of two petitions bearing CWP No.9997 and 9998 of 2016.

However, the facts have been taken from CWP No.9997 of 2016.

The only grievance of the petitioner is that though it had filed statutory appeal before Haryana Tax Tribunal (for short, 'the Tribunal'), however, neither the appeal nor stay application filed along with that appeal is being taken up for hearing for the reason that there is no Presiding Officer appointed in the Tribunal.

Learned counsel for the State, on instructions from, Shobhini Mala, Excise & Taxation Officer-cum-Assessing Authority, Gurgaon (West), submitted that in case the petitioner complies with the conditions laid down in Section 33 (5) of the Haryana Value Added Tax Act, 2003 (hereinafter referred to as “the Act”), regarding furnishing of surety bonds pertaining to the disputed demand, no steps shall be taken for recovery of

the demand impugned before the Tribunal. He further referred to an earlier order dated 02.02.2016 passed by this Court in C.W.P No. 25336 of 2015 titled as M/s Amar Nath Aggarwal Investments (P) Ltd. vs. State of Haryana and others, under similar situation.

Learned counsel for the petitioner submitted that the petitioner has already furnished surety bonds.

After hearing learned counsel for the parties, the present petitions are disposed of in terms of the stand taken by learned counsel for the State that no steps shall be taken for recovery of the demand impugned before the Tribunal, in case the petitioner furnishes surety bonds in terms of provisions of Section 33 (5) of the Act.

(RAJESH BINDAL)
JUDGE

(DARSHAN SINGH)
JUDGE

19.9.2016
sharmila

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No