

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION (MAIN) NO.31 OF 2017

Kakodkar Exim,
A Proprietary concern
of Sachin Kakodkar

.... Petitioner

Versus

The Assistant Commissioner of
Commercial Taxes, Margao.

.... Respondent

None for the Petitioner.

Ms. Amira Abdul Razaq, Government Advocate for the Respondent.

Coram : N.M. Jamdar, J.

Date : 14 December 2017.

P.C.:

This Contempt Petition arises from a reference made by the Administrative Tribunal, Goa under Section 10 of the Contempt of Courts Act in respect of non compliance of the order passed in Value Added Tax Appeal No.7/2011.

2. On 9 November 2017, when the Contempt Petition came up on board, the learned Additional Government Advocate was present in Court and was asked to take instructions to avoid any

further steps in the Contempt Petition. Thereafter, an affidavit is filed by Dipak Bandekar, Commissioner of Commercial Taxes, as the contempt was alleged against the Tax Department sworn on 7 December 2017. He has stated that the department had processed the file and the decision was taken not to take the matter in dispute on merits any further and also the State had taken a decision to refund the amount of Rs.2,37,789/- which was refunded and the Dealer acknowledged the receipt thereupon. He has stated that he has complied with the order of the Tribunal and this Court.

3. The Petitioner at whose instance, the reference was made, has remained absent throughout in these proceedings. It appears to be clear that he has remained absent because he has received the refund. In these circumstances, accepting the explanation given by the Commissioner on affidavit, the Contempt Petition is disposed of.

N.M. Jamdar, J.