

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9505 OF 2018

Dnyaneshwar Narayan Mulik

.... Petitioner

Vs.

Wealth Tax Officer, Ward 2(1), Pune
& Others

.... Respondents

Ms Deepa Kore i/by Mind & Confreres for the Petitioner.
Mr. Sham Walve for the Respondents.

CORAM: S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.

DATE : AUGUST 27, 2018

P.C:

1. This petition is directed against an order passed on an application for stay.
2. The Tax Recovery Officer has refused to stay the demand though the petitioner repeatedly pointed out that an appeal is pending.
3. In the memo of the writ petition itself the writ

petitioner has pointed out as to how he had to approach the higher authorities. The 4th respondent is the First Appellate Authority before whom the appeal is pending. During the pendency of the appeal, the Tax Recovery Officer was requested not to initiate the process of recovery of the wealth tax.

4. Since that request is refused, this writ petition.

5. Mr. Sham Walve, appeared on behalf of the respondents on notice and stated that the 4th respondent/Appellate Authority will endeavour to dispose of the appeal of the petitioner expeditiously.

6. Since the appeal is pending and yet not decided, we are of the firm view that the Tax Recovery Officer should not have proceeded to demand the sum. The whole controversy is pending before the Appellate Authority. Hence, interest of justice will be served if we stay the recovery pending the appeal before the 4th respondent. The 4th respondent should dispose of the pending appeal within a period of six months from the date of communication of this order. We clarify that all contentions of

both sides are kept open and no opinion is expressed thereon. In the meanwhile, if any recovery measures have been initiated, particularly of attaching the Bank Account, the attachment stands raised.

7. The petition is disposed of in the above terms.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)

Suresh
Jagdish
Sajnawat

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by Suresh
Jagdish Sajnawat
Date: 2018.08.30
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