IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1039 OF 2018

M/s.G.R.Infrastructure Pvt.Ltd. ... Petitioner
versus
The State of Maharashtra and others ... Respondents

Mr.V.Sridharan, Senior Advocate, with Mr.Rahul Thakkar i/by C.B.Thakkar for petitioner.
Ms.Jyoti Chavan, AGP, for Respondents 1 to 3.

CORAM : S.C.DHARMADHIKARI AND PRAKASH D. NAIK, JJ.

DATE : 2nd May 2018

PC :

1. This petition under Article 226 of the Constitution of India challenged an order of the first appellate authority.

2. There is a remedy of further appeal under Maharashtra VAT Act to the Maharashtra Sales Tax Tribunal and we have no doubt in our mind that if such an appeal is filed on both, law and facts, the Tribunal will consider all arguments including a decision of a Division Bench of this Court, reported in Commissioner of Sales Tax, Maharashtra State, Mumbai Vs. General Cranes {[2015]82-VST-560 (Bom)}.

3. When such position was pointed out and the appeal is a complete and efficacious remedy, Mr.Sreedharan seeks leave to withdraw the writ petition with liberty to file such an appeal.

4. Mr.Sreedharan states that bank account of the petitioner has been attached and frozen thereby hampering the business transactions.

5. If an appeal is filed within four weeks from today and an application for stay is made therein, only to enable the petitioner to pursue such a course, we direct that the respondents shall raise its attachment and not take any coercive measures for a period of four weeks from today. Thereafter, the parties shall abide by the directions of Tribunal. The writ petition is disposed off.

(PRAKASH D. NAIK, J.) (S.C.DHARMADHIKARI, J.)

MST