IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3706 OF 2019

Gaurav Investments & Anr.] … Petitioners

Versus

The Union of India & Anr.] … Respondents

Mr. Prakash Shah a/w Mr. Jas Sanghavi & Ms. Divyasha Mathur i/b PDS Legal for Petitioners.
Mr. Sham Walve for Respondents.

CORAM :- AKIL KURESHI & SARANG V. KOTWAL, JJ.
DATE :- 29 MARCH, 2019

P. C. :-

1. The Petitioner is a partnership firm and has unpaid tax dues for the Assessment Years 2016-2017 and 2017-2018. One of the partners of the Petitioner - firm, during survey operation, had undertaken to clear such dues by 31/03/2019. Due to financial difficulty, the same could not be done. At the request of the Petitioner, the Department provided a fresh time schedule for payment. The Petitioner requests for additional time.

2. Mr. Prakash Shah, learned Counsel for the Petitioner, stated that the dues are approximately Rs.5.37 Crores. The Petitioner shall deposit 50% thereof latest by 30/04/2019 and the remaining amount latest by 31/05/2019.

3. It is correct, as pointed by Mr. Sham Walve for the Department, that in the past, the Petitioner was unable to fulfill the promise for depositing the taxes. However, the extension asked for by the Petitioner is not very long. In the facts of the present case, therefore, we accept the submission of the Petitioner for depositing the taxes. On the following conditions, the recovery shall stand stayed.

ORDER

(i) A partner of the Petitioner - firm shall file undertaking before this Court for payment of the taxes as mentioned above, within one week from today.

(ii) The Petitioner shall abide by the said time schedule for payment of taxes.

(iii) If there is default in depositing the first installment, it would be open for the Department to carry out coercive recovery.

(iv) If the Petitioner fulfills the commitment for depositing the taxes, there would, in any case, be no question of further recovery in relation to the said Assessment Years.

(v) The Petition is disposed of in the above terms.

(vi) It is clarified that we are concerned only with the recovery of taxes for the Assessment Years 2016-2017 and 2017-2018.

(SARANG V. KOTWAL, J.) **(AKIL KURESHI, J.)**