Sequeira

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2921 OF 2019

K. T. Steel Company and others .. Petitioners

Vs

Union of India -
through the Commissioner of Income Tax,
Ward 17 and others .. Respondents

Mr.Rahul Jain a/w Mr.Naaz Hashmi i/b HSA Advocates, for Petitioners.

Mr.Suresh Kumar, for Respondent No.1.

Mr.Sham Walve, for Respondent Nos.1A & 1B.

Ms.Shruti D.Vyas, 'B' Panel Counsel, for Respondent Nos.2 to 4.

CORAM : M.S.SANKLECHA &
NITIN JAMDAR, JJ.
Date : 13 November 2019.

P.C. :

This Petition under Article 226 of the Constitution seeks a direction to Respondent Nos.1-A and 1-B i.e. Additional Commissioner of Income Tax Circle-2 Kalyan and Deputy Commissioner of the Income Tax Circle-2 Kalyan, to issue a certificate to Respondent Nos.3 and 4 i.e. the Collector, Thane and Tehsildar, Ambernath respectively, to the effect that no amounts are due and recoverable from the Petitioners and therefore, the appropriate corrections in the entries of 7/12 extracts be made by Respondent Nos.3 and 4. Similarly, the Petitioners also seek a direction to Respondent No.2 i.e. the G.S.T. Commissioner to issue a 'no dues certificate' and to the Respondent Nos.3 and 4 i.e. the Collector, Thane and the Tehsildar, Ambernath that no dues are payable by the Petitioners. Consequently, the 7/12 extracts be suitably modified as against the Petitioners.

2. At the hearing of the Petition, the Petitioners have restricted their prayers in this Petition to only direct the Office of Income Tax Commissioner and State Tax Commissioner to issue a certificate to the Respondent Nos.3 and 4 that no dues are payable by the Petitioners to the two authorities. The learned Counsel Mr.Walve, appearing on behalf of the Income Tax authorities and Ms.Vyas appearing on behalf of the State Tax Commissioner state that within a period of four weeks from today on the basis of the record available with them, the Respondents can issue the necessary certificate/ communication reflecting the correct state of affairs with regard to the dues payable by the Petitioners to the two authorities under the respective Acts.

3. Needless to state, a copy of any such communication

addressed by Respondent Nos.1A, 1B and 2 to Respondent Nos.3 and 4 would also be forwarded to the Petitioners.

4. Petition disposed of in above terms.

(NITIN JAMDAR, J.) *(M.S.SANKLECHA, J.)*