R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION (L) NO. 1077 OF 2019

Pervez K. Raisi .. Petitioner

Versus

Pr. Commissioner of Income Tax -19 & Ors. .. Respondents

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- Mr. Jitendra Jain a/w Chaitanya Patel i/by LJ Law for the Petitioner
- Mr. Sham Walve for the Respondents

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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 24, 2019.

P.C.:

1. The petitioner has challenged a condition imposed by the Principal Commissioner asking the petitioner to deposit 15% of the outstanding tax demand before 30.3.2019 subject to which remaining recoveries will stand stayed pending the appeal against the order of assessment.

2. We have heard the learned counsel for the parties and perused the documents on record. Since the learned counsel for the petitioner submitted that there are number of arguable points arising in the appeal. He therefore, submitted that the requirement of depositing 15% of the disputed tax must be reduced.

3. In facts of the present case, we do not find that the Principal Commissioner has acted unreasonably so as to interfere with the said order. However, the petitioner may have making good the said requirement of 15% deposit. The petitioner has already deposited sum of Rs. 14 Lacs with the Department. The remaining amount may be deposited in four equal monthly installments. This shall be done in four equal monthly installments falling due on 30th of every month starting with July, 2019. If this is done, there shall be no further recoveries pending the appeal filed by the petitioner. If the petitioner fails to deposit any of the installments, this stay shall stand automatically vacated without reference to the Court.

4. It would be open for the petitioner to request the Commissioner to hear the appeal expeditiously.

5. Petition disposed of accordingly.

[S.J. KATHAWALLA, J.] **[AKIL KURESHI, J]**