

R.M. AMBERKAR
(Private Secretary)

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

WRIT PETITION NO. 1360 OF 2019

Silvex Constructions Pvt Ltd

.. Petitioner

Versus

Asst. Commissioner of Income Tax - Circle 13(2)(1) & Ors... Respondents

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- Mr. Devendra H. Jain for the Petitioner
 - Mr. Akhileshwar Sharma for Respondent Nos. 1 and 2
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 24, 2019.

P.C.:

1. The petitioner concerns depositing 20% of the disputed tax dues pending the appeal before the Appellate Commissioner against the assessment order. The petitioner's main grievance is that the Department did not grant suitable installments for making such deposit. In the process, the petitioner has argued the susceptibility of the additions made by the Assessing Officer as well as financial condition of the petitioner company.

2. In a Writ Petition, we are not inclined to examine threadbare the nature of the additions made by the Assessing Officer since the issues are pending before the Appellate Commissioner. Further, going by the financial condition of the petitioner company, some reasonable installments may be called for but certainly not of 12 months as prayed by the learned counsel for the petitioner.

3. Under these circumstances, the petitioner is granted time upto 31.10.2019 to deposit 20% of the disputed tax. 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. Writ Petition disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]