HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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VATAP-170-2019

Date of Decision: 05.11.2019

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M/s Bhushan Power & Steel Ltd. ... Appellant

VS.

UT of Chandigarh & Anr. ... Respondents

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CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

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Present: Mr. Sandeep Goyal, Advocate for the appellant

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Jaswant Singh, J. (Oral)

(1) The appellant-Assessee is a manufacturer of steel pipes and is registered as a dealer under the Punjab Value Added Tax Act, 2005 (in short, 'the VAT Act') as extended to Union Territory of Chandigarh. The Assessing Officer vide order dated 28.04.2017 (P1) raised an additional demand on account of reversal of Input Tax Credit including interest and penalty. The appeal (P2) filed against the said assessment order before the First Appellate Authority i.e. the Deputy Excise & Taxation Commissioner (Appeals) was dismissed vide order dated 09.05.2018 (P3) for non-fulfilling the condition of pre-deposit under Section 62(5) of the VAT Act. The Value Added Tax Tribunal, UT Chandigarh vide impugned order dated 09.10.2018 (P7) has upheld the order passed by the First Appellate Authority. Hence the present appeal has been preferred praying from waiver of the condition of pre-deposit on the ground of financial crunch and merits of the issue.

(2) At the time of resumed hearing, in view of the judgment of the Hon'ble Supreme Court in ***M/s Tecnimont Pvt. Ltd. (Formerly known as Tecnimont ICB Pvt. Ltd.) vs. State of Punjab, 2019 VIL 31 SC*** counsel prays for permission to withdraw the present appeal to enable the appellant to avail its remedies in accordance with law.

(3) The appeal is accordingly dismissed as withdrawn with liberty aforementioned.

(Jaswant Singh)
Judge

05.11.2019
Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?	***Yes/No***
2. Whether reportable?	*Yes/No*