

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

VATAP No.237 of 2019(O&M)

Date of Decision:-03.10.2019

M/s Arvindra Electronics Pvt. Ltd.

.....Petitioner.

Versus

U.T., of Chandigarh Through Finance Secretary & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Umang Goyal, Advocate for applicant/Petitioner.

Mr. Ajay Jagga, Advocate for non applicant/respondent.

JASWANT SINGH, J.(ORAL)

CM No.20453 of 2019

Instant CM has been filed for placing on record document dated 29.07.2019 as Annexure A-8 to show the deposit of an amount of Rs.25,00,000/- in the bank account freezed by the Department towards provisional attachment to secure the revenue.

CM allowed.

Document dated 29.07.2019 is taken on record as Annexure A-8. Registry to place the same at appropriate place and paginate the paper book accordingly.

MAIN CASE

The Appellant is a registered dealer under the Punjab

VAT Act (as applicable to U.T., Chandigarh) 2005 engaged in the retail business of Electronic Items. The assessing officer vide order dated 30.10.2017 raised a demand for a sum of Rs.94,55,307/- towards excess ITC availed for the assessment year 2010-11. The appellant-assessee filed an appeal before the ETC, Chandigarh, which was dismissed vide order dated 5.10.2018 in view of non deposit of 25% of the raised demand. The appellant-assessee then approached the VAT Tribunal, Chandigarh which vide its order dated 22.01.2019 (**A-6**) confirmed the order passed by the Appellate Authority.

At the time of hearing, counsel for the appellant submits that in view of the deposit of an amount in the freezed/attached bank account no.3248002100046703 in Punjab National Bank, Sector 22-B, Chandigarh, the appeal by the first Appellate Authority is required to be entertained on merits.

In response Mr. Ajay Jagga, Advocate submits that the 25% of the demand out of the funds lying in the aforesaid account have to be appropriated to the Excise department by deposit of the same in the Government Treasury towards requirement of pre-deposit for the appeal to be entertained on merits.

After hearing learned Counsel for both the parties, we dispose of the present appeal with direction to the competent authority of the Punjab National Bank, Sector 22-B, Chandigarh to release an amount of Rs.23,64,000/-, on the application of the appellant-assessee, directly under the Head of Excise and Taxation Office, U.T., Chandigarh in the Government Treasury. On proof of

such deposit, the first Appellate Authority shall entertain the appeal after due intimation to the appellant and decide the same within next six months in accordance with law.

The present appeal is disposed of in the above terms.

(JASWANT SINGH)
JUDGE

(LALIT BATRA)
JUDGE

October 03, 2019
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No