IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

VATAP No.266 of 2018(O&M)

Date of Decision:-16.12.2019

M/s B.L. Mehta Constructions Pvt. Ltd.

......Appellant.

Versus

The Union Territory of Chandigarh & Anr.

......Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Rishabh Singla, Advocate for the Appellant.

Mr. Ajay Jagga, Advocate for the respondents.

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JASWANT SINGH, J.(ORAL)

Appellant is engaged in the business of construction and is a registered dealer under The Punjab Value Added Tax 2005 as applicable to Chandigarh. An additional demand of Rs.37,32,443/- was raised for the assessment years 2007-2008 vide order dated 30.08.2011 passed by the Assessing Authority, UT by disallowing certain deductions as also the rate of tax for the sale of Iron Scrap. The appellant upon deposit of 25% of the additional demand preferred an appeal before the DETC (A), U.T., Chandigarh, who vide order dated 10.07.2012 dismissed the appeal. Consequently appeal No.20 of 2012 was filed by the appellant before the VATA Tribunal, U.T., Chandigarh, which has vide order dated 6.3.2018 dismissed the appeal on account of non deposit of 25% of the additional demand as also on merits. Hence the present appeal.

The primary argument raised is that the Tribunal has committed a factual error while recording that the 25% of the additional demand was not deposited as required under law for entertaining the appeal, whereas the said amount concededly stood deposited for the decision of the appeal by the First Appellate Authority. No further deposit was required to be made for entertaining the second appeal before the Tribunal. The next argument raised is that not even a line reflecting any reason or even stating that the second Appellate Authority agrees with the reasoning of the First Appellate Authority or the Assessing Authority has been noticed in the order. Thus order shows total non application of mind and a non speaking order and is liable to be set aside.

Upon notice, learned Counsel for the respondent keeping in view the aforesaid factual contents agrees that the matter has to be remanded back for fresh adjudication by the Tribunal.

In view of the aforesaid developments, the appeal is allowed and the impugned order passed by the VAT Tribunal, Chandigarh being factually incorrect as also non-speaking and cryptic is hereby **quashed** with the direction to the Tribunal to decide the appeal afresh in accordance with law.

<u>Parties are directed to appear before the Tribunal on 26.02.2020</u>.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

December 16, 2019
Vinay

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