IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] **Civil Writ Petition No. 33146 of 2019 (O&M)**
Date of Decision: 28.11.2019

M/s. Chadha Super Cars Pvt. Limited, Ludhiana

.... Petitioner

Versus

State of Punjab and others

.... Respondents

AND

[2] **Civil Writ Petition No. 33116 of 2019 (O&M)**

M/s. Chadha Super Cars Pvt. Limited, Ludhiana

.... Petitioner

Versus

State of Punjab and others

.... Respondents

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

Present: Mr. Aman Bansal, Advocate
for the petitioner(s) (in both cases)

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

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JASWANT SINGH, J. (ORAL)

[1] This common order will dispose of the above-mentioned two writ petitions bearing *CWP Nos. 33146 & 33116 of 2019*, as the issues raised in these petitions are identical.

[2] The petitioner(s), a Private Limited Company, is a dealer in sale and purchase of Toyota Cars, situated in Ludhiana (Punjab). The Assessing Officer vide two (02) separate orders of even date, i.e. 06.11.2018 **(Annexure P-1)** for the two (02) Assessment Years **2012-13** & **2013-14** has

raised a demand of **₹ 3,36,75,040/-** (Three Crores Thirty-Six Lacs Seventy-Five Thousand Forty only) and **₹ 1,68,39,735/-** (One Crore Sixty-Eight Lacs Thirty-Nine Thousand Seven Hundred Thirty-Five only), **respectively**, on account of suppression of sale or purchases.

[3] No doubt, the petitioner(s)-Assessee(s) had been duly served, however, an Ex-parte Order came about to be passed due to non-appearance on the subsequent dates before the Assessing Officer.

[4] The petitioner(s), filed appeals without fulfilling the condition of pre-deposit before the First Appellate Authority / Deputy Excise & Taxation Commissioner, Ludhiana, who vide two separate orders dated 25.02.2019 **(Annexure P-3)** dismissed the appeals for non-deposit of the reduced amount of **₹ 10,00,000/-** (Ten Lacs only) and **₹ 5,00,000/-** (Five Lacs only) for entertaining the appeal(s) for both the assessment years, i.e. **2012-13** & **2013-14**, respectively.

Still dissatisfied, the petitioner(s) approached the learned VAT Tribunal, Punjab (in short 'the Tribunal') by filing two separate appeals *qua* the two assessment years, seeking waiving off condition of pre-deposit, which are stated to be pending.

[5] In the aforesaid background, the petitioners have filed the present writ petitions, stating that there is no suppression of sales or purchases and thus, no Evasion of Tax, as only an exercise has to be undertaken towards matching the transactions to substantiate the plea. Counsel for the petitioner had submitted that the petitioner is ready and willing to deposit a sum of ₹ 25,00,000/- (Twenty-Five Lacs) towards pre-deposit for entertaining the appeal(s) for both years and waiving off the remaining amount, keeping in view the merits of the case.

[6] Before proceeding further, we had directed the State Counsel to seek instructions on the previous date of hearing, i.e. 16.11.2019.

[7] At the time of resumed hearing today, learned State Counsel, on instructions, states that the respondent / Revenue would have no objection for directing the First Appellate Authority to decide both the appeals on merits, provided the petitioner(s) deposit(s) a total sum of ₹ 25,00,000/- (Twenty-Five Lacs) towards the stipulation of pre-deposit of entertaining the appeals for both the assessment years.

It is obvious that the stand of the petitioner was and is the readiness and willingness to deposit a sum of ₹ 25,00,000/- (Twenty-Five Lacs only) instead of the total amount of ₹ 15,00,000/- (Fifteen Lacs only) directed by the First Appellate Authority for entertaining both the appeals.

[8] In view of the aforesaid developments, it is **ordered** that both the appeals filed by the petitioner(s) for the two aforesaid assessment years be entertained by the First Appellate Authority / D.E.T.C., Ludhiana, subject to deposit of a total sum of ₹ 25,00,000/- (Twenty-Five Lacs only) towards pre-deposit for both the assessment years, within four (04) weeks from the date of receipt of certified copy of this order.

Both the petitions are **'Disposed of'** in the above terms.

(JASWANT SINGH)
JUDGE

November 28, 2019
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(SANT PARKASH)
JUDGE

Whether Speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*