

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4860 OF 2019

Cholamandalam Investment and Finance
Company Limited ..Petitioner
Versus
Rajiv Shambhunath Malvia & Ors. ..Respondents

Mr. Harsh Nishar i/by Mr. Amey Deshpande, Advocate for the
Petitioner.

Mr. M. M. Pabale, AGP for the Respondent – State.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 10th JANUARY, 2020

P.C.

1] The Petitioner is the secured creditor and has received a letter dated 14.03.2018 issued by the Deputy Commissioner of Sales Tax informing that on account of sales tax dues there is a lien on the property in favour of the State Government.

2] This Bench has resolved the issue as per the Judgment dated 13th December 2019 passed in Writ Petition 1039 of 2017 *pari passu*. It was held that the dues of a secured debtor rank above the dues of the State Government under the Maharashtra Sales Tax or a Value Added Tax.

3] Thus, the Petition is disposed of quashing the letter dated 14.03.2018.

(12)-WP-4860-19.doc.

4] Needless to state that if there is any surplus amount available after the sale of the secured asset, the same shall be transmitted by the Petitioner to Sales Tax Department, State of Maharashtra.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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Balaji G.
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