

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
116

CWP No. 10199 of 2020

Date of Decision: 20th July, 2020

Daftech Engineers Pvt. Ltd.

....Petitioner

VERSUS

Chandigarh Administration and another

....Respondent

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Mr. Rajeev Sharma, Advocate for the Petitioner.

Mr. Ajay Jagga, Advocate, standing Counsel for Respondents.

Dr. S. Muralidhar, J.

1. The Petitioner, which is a registered dealer under the Punjab Value Added Tax Act, 2005 ('PVAT Act'), has by way of a statutory appeal challenged an assessment framed for the year 2010-11 by the Excise and Taxation Officer-cum-Designated Officer, Chandigarh on 16th November, 2017, creating an additional demand of Rs.11,40,825/- under the Central Sales Tax Act, 1956 ('CST Act') and a demand of Rs. 2000/- under the PVAT Act. The said order came to be rectified on 26th August, 2019, whereby the demand under the CST Act was revised to Rs.8,18,972/-. The demand under the PVAT Act was maintained at Rs. 2,000/-.
2. On 26th August, 2019 itself, an order was passed attaching the Petitioner's bank account, which had a balance of Rs. 2,84,450/-.
4. In terms of Section 62 (5) of PVAT Act, 25% of the amount of additional demand of Rs.8,18,972/- is required to be deposited for the hearing of the

appeal before the Appellate Authority. The Petitioner's submission is that

CWP No.10199 of 2020

it has been unable to comply with the condition of pre-deposit of 25% of the additional demand for hearing of its appeal as its account has been frozen. The prayer in the present petition is that the balance amount in its frozen account, i.e. Rs.2,84,450/-, should be reckoned towards the 25% of the additional demand as pre-deposit for the appeal to be heard on its merits.

5. Learned Counsel for the Respondents, while not opposing the prayer, submits that if an application had been filed before the Appellate Authority by the Petitioner, such prayer could have been considered by the said authority itself.
6. In order to avoid any further wastage of time, this Court directs that the Respondents will appropriate the amount in the attached account of the Petitioner i.e. Rs.2,84,450/- towards the 25% pre-deposit and the Appellate Authority will now proceed to hear the appeal on its merits on the next date fixed.
7. For the purpose of such appropriation, the Petitioner's bank account No.0003102000020165 with IDBI Bank, Sector 8, Chandigarh will stand de-frozen. This will be done on the strength of this order.
8. The petition is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

20th July, 2020
Sachin M.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No