

21.06.2023
PB
Sl. No.13.

WPA 12153 of 2023

Suncraft Energy Pvt. Ltd. & Anr.
Vs
The Assistant Commissioner of State
Tax, Ballygunge Charge & Ors.

Mr. Ankit Kanodia,
Ms. Megha Agarwal,
Mr. Jitesh Sah.
... For the Petitioner.

Mr. A. Ray,
Mr. T. M. Siddiqui,
Mr. S. Sanyal.
.....for the State.

Heard learned advocates appearing for the parties.

By this writ petition petitioners have challenged the impugned order in original passed by the WBGST authority concerned which is an appellable order and furthermore, under the statute, petitioner's interest is also protected from any coercive action of recovery if he pays 10% of the disputed tax. In view of the aforesaid legal position and availability of alternative remedy, I am not inclined to grant any relief to the petitioner in this writ petition except granting liberty to the petitioner to file statutory appeal before the appellate authority concerned within 15 days from date, subject to compliance of all other formalities and

if petitioner files the statutory appeal within the time stipulated, the appellate authority concerned will not raise the issue of limitation and shall decide such appeal to be filed on merit.

Accordingly, this writ petition being WPA 12153 of 2023 is disposed of.

(Md. Nizamuddin, J.)