



WEB COPY

W.M.P. No.37482



**W.M.P. No.37482 of 2024**  
**in**  
**W.P. No.19799 of 2020**

**MOHAMMED SHAFFIQ, J.**

The present writ miscellaneous petition is filed praying for extension of time granted in W.P.Nos.19799 of 2020 and etc. batch vide order dated 29.09.2023 wherein this Court granted liberty to the petitioner to file an appeal within a period of 4 weeks from the date of receipt of copy of the order, subject to complying with statutory conditions relating to appeal including pre-deposit, and if any such appeal was filed the same was directed to be entertained without reference to limitation.

2. It was submitted by the learned counsel for the petitioner that the order was dispatched on 30.11.2023. The petitioner had opted for Samadhan Scheme in respect of the assessment order for the year 2013-14.

3. The learned counsel for the petitioner would submit that they were under the bonafide impression that the Samadhan Scheme for the year 2013-14 was also admitted inasmuch as the Samadhan application for few other years have been admitted and discharge certificate was also issued. However, there was a recovery proceeding whereby the Respondent authority issued a garnishee notice on



19.09.2024. It was submitted that the petitioner became aware of the fact that the Samadhan scheme application stood rejected for alleged non-payment only then. It is submitted that the petitioner has paid amounts due in terms of Samadhan scheme however the screenshot of the portal would show that the Samadhan application was rejected only on the ground of non-payment in terms of the above scheme.

4. The learned counsel for the petitioner seeks extension of time to file an appeal.

5. The learned counsel for the Respondents submitted that the petitioner having not filed any appeal in terms of the order of this Court the request for time to file appeal ought not be entertained.

6. Looking at the sequence of events narrated by the learned counsel for the petitioner, it appears that the petitioner had bonafide applied under the Samadhan Scheme, which has been rejected.

7. In view thereof, this Court is inclined to grant the petitioner 2 weeks time from today to file an appeal, if any such appeal is filed the Appellate Authority shall entertain the same subject to the petitioner complying with other conditions



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including pre-deposit, without reference to limitation. Registry is directed to return the original copy of the impugned order to enable the petitioner to file its appeal after retaining a photocopy of the impugned order

8. Accordingly, the writ miscellaneous petition stands ordered.

**20.11.2024**

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**20.11.2024**