Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.229 OF 2025

UNITED SPIRITS LTD. THR. ITS AUTH. REP. APOORVA CHOUDHARY ... PETITIONER

Versus

ADDITIONAL COMMISSIONER OF STATE TAX-II AND APPELLATE AUTH., SOUTH GOA AND 4 ORS ... RESPONDENTS

Mr. Rohan Shah, Senior Advocate (Through VC) with Ms.Neha Shirodkar and Mr. G. Panandikar, Advocates for the Petitioner.
Mr. Shubham Priolkar, Additional Government Advocate for Respondent Nos. 1 to 4.

CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.

DATED :- 19th June, 2025

P.C.

1. Raising a challenge to the impugned Order dated 29.01.2025, passed by the Additional Commissioner of State Tax, the Appellate Authority, thereby levying an interest on the amount of Rs.53,58,986/- under Section 25(4) of the Goa Value Added Tax Act, 2005, for late payment of tax, the appeal has been dismissed.

On hearing the learned Senior Counsel, the question that surfaces before us for consideration is whether the interest could have been levied, as for a considerable period of time till November 2024, there was no clarity as regards whether the subject matter of the levy, namely the Extra Neutral Alcohol (ENA), would be subjected to tax under the VAT regime or under the new regime. Without prejudice to the decision to be taken, it is the case of the Petitioner that on 30.09.2021, the Petitioner deposited the amount of VAT on which now the interest is claimed, and the submission is since till 2024 there was uncertainty about the ENA being subjected to levy, imposition of interest is unwarranted.

Our attention is invited to a communication dated 10.06.2025, addressed to the Petitioner, thereby directing him to pay the amount of interest under VAT Act, failing which, it is directed that the matter shall be referred to the Recovery Cell for forced recovery.

2. Since the issue involved would deserve a deeper consideration and since we expect the Respondents to place before us their respective stand, we deem it appropriate that till the time the pleadings are complete and the matter is taken up for hearing, no coercive steps will be initiated against the Petitioner including any recovery of the amount of interest, which is set out in the impugned order dated 29.01.2025 passed by the Additional Commissioner of Tax Act, who has upheld the order passed by the Assessing Officer.

3. Learned Additional Government Advocate waives service on behalf of Respondent nos. 1 to 4. Despite the copy of the Petition

being served upon the Standing Counsel representing the Union of India, he remained absent. Hence we direct the issuance of notice to the Union of India by making it returnable on 21.07.2025.

In the meantime, we expect the Respondents to file their affidavit in reply on or before 10.07.2025 with liberty to file a rejoinder within a period of one week thereof.

NIVEDITA P. MEHTA, J. **BHARATI DANGRE, J.**

Signed by: ANDREZA RODRIGUES EPEREIRA
Designation: Senior Private Secretary to the Hon'ble Judge
Date: 20/06/2025 11:13:06