IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SALEX TAX APPEAL NO. 1/2025

(Permanent Fincon Pvt. Ltd., Vs. Assistant Commissioner of State Tax, NAG-VAT-D-012 & ors.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. Kapil Hirani, Advocate for appellant.
Ms. S.S. Jachak, AGP for respondent Nos. 1 and 2.

CORAM: ANIL L. PANSARE AND M. M. NERLIKAR, JJ.

DATED : 01/08/2025.

Heard.

2. The challenge is to the order dated 17.01.2025 passed by Maharashtra Sales Tax Tribunal Mumbai, Nagpur Bench in Rectification Application No. 4/2023. Respondent No.1 fixed an amount of Rs. 01,54,00,000/- as part payment to consider, the challenge to the assessment order passed on 06.09.2012 for the period from 01.04.2007 to 31.03.2008 under the Maharashtra Value Added Tax Act, 2002.

3. Being aggrieved by said order the appellant approached the Sales Tax Tribunal, being Second Appeal No. 55/2023. The Tribunal was pleased to dismiss the appeal vide order dated 08.05.2023. The appellant thereafter, filed rectification application under Section 24 of the Maharashtra Value Added Tax Act. The Tribunal allowed the application and reduced the amount from 01,54,00,000/- to 50,00,000/-. In doing so and since the amount was reduced, the Tribunal held that second appeal is partly allowed.

4. The argument is that the amount of deposit is exorbitant. However, considering the fact that the assessment of value added tax was Rs. 03,09,64,000/-, we find that the amount of part payment of Rs. 50,00,000/- is reasonable. No interference therefore, is called for in the impugned order.

5. At this stage, the counsel for appellant submits that he may be permitted to furnish bank guarantee instead of depositing amount. Such request may be made before the Appellate Authority and if so made, it shall be considered on its own merit.

6. Appeal stands disposed of in above terms.

(M. M. NERLIKAR, J.) **(ANIL L. PANSARE, J.)**

Gohane