



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

244

CWP-15987-2025

Date of decision: **28.05.2025**

Federal Agro Industries Pvt. Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Amrinder Singh, Advocate for the petitioner.

Mr. Saurabh Kapoor, Addl. A.G. Punjab.

SUDEEPTI SHARMA, J. (ORAL)

1. Challenge in the present petition is to order dated 13.05.2025 passed by respondent No.3-Deputy Excise and Taxation Commissioner, Mohali whereby the appeal filed by the petitioner has been dismissed on the ground of non compliance of Section 62(5) of the Punjab Value Added Tax Act, 2005 (in short 'the Act').

2. Learned counsel for petitioner contends that the pre-deposit of 25% be waived of, since under Article 226 of the Constitution of India, this Court can waive the pre-deposit of 25% in case of hardship.

3. We have heard learned counsel for the petitioner and perused the file with his able assistance.

4. Under Section 62(5) of the Act, it has been specifically mentioned that no appeal shall be entertained unless such appeal is accompanied by satisfactory proof of the prior minimum payment of 25% of the total amount of additional demand, penalty and interest, if any.



5. The law regarding pre deposit is settled by Hon'ble Supreme Court of India in case *Technimont (P) Ltd. V. State of Punjab, (2021) 12 SCC 477*, wherein, challenge to the provision under Section 62 (5) of the Act has been negated.

6. Learned Counsel for the petitioner at this stage submits that he will deposit the amount of pre-deposit as per requirement of Section 62(5) within 2 weeks from today, therefore, liberty be granted to the petitioner to do the same and appellate authority be directed to hear the appeal on merits.

7. Learned counsel for the respondents on advance notice does not object to the prayer made by counsel for the petitioner.

8. In view of the above, the present petition is disposed of with liberty to the petitioner to deposit 25% of the additional demand, as per the requirement of Section 62 (5) of the Act and on doing so, the appellate authority is directed to revive the appeal to its original number and decide the same on merits.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

28.05.2025

Yogesh

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No