

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 11434 OF 2017

1 Aurangabad Distillery Limited & Anr. ... Petitioners

Vs

1 The State of Maharashtra & Ors. ... Respondents

Mr. Arshad Hidayatullah, senior advocate with Mr. Makarand Joshi and Mr. Rakesh Sawant i/b Max Legal for the Petitioners.

Mr. V.A. Sonpal, Special counsel for the Respondent Nos.1 to 3.

***CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.***

TUESDAY, 17TH JULY, 2018

P.C. :

1 On the earlier occasion, we had called upon Mr. V.A. Sonpal, learned special counsel appearing for the respondents to take instructions as to whether the respondents have initiated any proceedings after the issuance of the impugned Notification and which is challenged in this writ petition.

2 Mr. Sonpal sought time on the earlier occasion to take instructions. Today, Mr. Sonpal states on written instructions

from the concerned Deputy Commissioner of the State Tax that no proceedings are initiated nor any case is pending against the petitioners under the Maharashtra Value Added Tax Act, 2002 or the Goods and Services Tax Act, 2017. Therefore, there is no question of any recovery.

3 We accept the statements made by Mr. Sonpal, on instructions, as undertakings to this Court. Since there are no proceedings initiated nor any proceedings are pending, there is no question of any confirmed demand or recovery by coercive means. The statement of the learned special counsel, made on instructions, sufficiently safeguards and protects the interest of the petitioners.

4 On account of the request made by Mr. Hidayatullah and joined by Mr. Sonpal, we post this matter for final hearing on 28th August, 2018.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.