



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.11854 of 2025

M/s. KAL KMC

....

Petitioner

Represented by Adv.–

Mr. Debasish Hazra, Advocate

-Versus-

**Central Board of Indirect Taxes and
Customs (CBIC) and others**

....

Opposite Parties

Represented by Adv.–

Mr. Avinash Kedia, Junior Standing Counsel

Mr. Sunil Mishra, Standing Counsel

CORAM:

HON' BLE THE CHIEF JUSTICE

AND

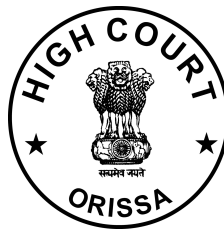
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

23.07.2025

Order No.

01. 1. Mr. Debasish Hazra, learned advocate appears on behalf of the petitioner and submits that the petitioner is aggrieved by order dated 28th January, 2025 made by the First Appellate Authority. He wants to appeal therefrom to the Tribunal, but it has not yet been constituted. In the circumstances, the assessee and the department were complying with directions made on **order dated 16th February, 2024** by the First Division Bench in a batch of writ petitions, lead case being **WP(C) No.42015 of 2023 (M/s. Maa Tarini Traders v. State of Odisha and others)**.
2. The directions included requiring the assessee to deposit 10% of the disputed amount of tax on filing the appeal and further 20% of remaining disputed tax, for the impugned order to be stayed.



3. He submits, his client is up against State revenue. There was notification dated 16th August, 2024 made by Central revenue reducing latter deposit to 10%. Now, State revenue has correspondingly notified on 29th October, 2024. In the circumstances, the writ petition may be disposed of as covered by order dated 16th February, 2024 (supra) with modification for deposit of 10% of remaining disputed tax for impugned order to remain stayed.

4. Mr. Mishra, learned advocate, Standing Counsel appears on behalf of State revenue and Mr. Avinash Kedia, learned Junior Standing Counsel appears on behalf of opposite party No.1-CBITC.

5. We accept submission made on behalf of petitioner regarding corresponding notification reducing requirement of the deposit to 10% of disputed tax for impugned first appellate order to remain stayed. The deposit be made within four weeks accordingly.

6. List this matter on 24th July, 2025 along with W.P.(C) No.9822 of 2025.

(Harish Tandon)
Chief Justice

(M.R. Pathak)
Judge

S.K. Guin/PA