



2005 came into force, the industries like that of the petitioners would and should stand exempted from payment of VAT. contentions are the subject matter of the present special leave petitions as also the writ petition which have been entertained.

These

In writ petition (C ) no. 677/2007, (Kunal Agro Mills Vs. State of Punjab & Anr.), after issuing notice on this petition, an order was passed by this Court directing the petitioners to deposit 50% of the tax demand which was Rs. 24,64,172/- before the Assessing Authority, without prejudice to the rights and contentions of the parties and that in the event of such payment, the demand would remain stayed. By the said order passed on 31.3.2008, it was also made clear that in the event of success or failure of the petition, this Court would pass necessary orders as regards interest on the balance amount payable or to be refunded.

On perusal of the records, however, we find that in the other matters, while issuing notice, a stay was granted to the impugned judgment and order and, therefore, by virtue of the same, no payment has been made by the petitioners in other cases as it has been done by the petitioner in writ petition(c) no. 677/2007.

-3-

In our considered opinion, there should be a uniform order since all the petitioners are advancing similar contentions in these matters. Therefore, we direct that the petitioners in all other matters would deposit 50% of the tax demand in all matters which are before us before the Assessing Authority within eight weeks from date without prejudice to the rights and contentions of the parties. In the event of such deposit, the balance demand shall remain stayed till the disposal of these petitions.

We also make the order dated 31.3.2008 absolute.

It is also made clear that in the event of success or failure of the petitions, this Court would pass necessary orders as regards interest on the amount payable or refunded, as the case may be.

The petitioners are directed to place a tabular form in this Court after eight weeks indicating the amount of tax demanded from them and the amount of tax paid pursuant to the orders of this Court with other relevant entries & details with an advance copy to the counsel appearing for the respondents.

The matters shall now be listed in the month of October, 2011.

(DEEPAK MANSUKHANI)  
Court Master

(RENU DIWAN)  
Court Master