



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

**CWP No. 26221 of 2025(O&M)
Date of Decision: 04.09.2025.**

M/s Sunder Steel Products

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Aman Bansal, Advocate
for petitioner.

Mr. Raghav Garg, AAG., Punjab.

LISA GILL, J.

1. In this writ petition filed in March 2025, prayer is for setting aside order dated 07.04.2017 passed by learned Punjab Value Added Tax Tribunal; order dated 05.05.2016 passed by Deputy Excise and Taxation Commissioner, Ludhiana Division, Ludhiana and order dated 18.11.2015, passed by Excise and Taxation Officer-cum-Designated Officer, Fatehgarh Sahib.

2. Brief facts necessary for adjudication of the matter are that petitioner's firm claims that it is registered under Punjab Value Added Tax Act, 2005 and Central Sales Tax Act, 1956 as a taxable person. Its returns and annual statement for assessment year 2008-09 were filed. Upon scrutiny

by the then Designated Officer, certain discrepancies along with mismatched data were found, upon which Designated Officer proposed to frame assessment for the year at hand. Notice under statutory provisions was issued. Assessment order dated 18.11.2015 was passed, wherein it is recorded that taxable persons avoided verification of mismatched data and production of relevant record. Various notices were issued. Partner of the firm appeared on one of the dates but no verification report and documents in regard to mismatch data were produced.

3. Appeal filed by petitioner challenging order dated 18.11.2015 was dismissed on 05.05.2016 as 25% of additional demand created by the Designated Officer was not deposited along with the appeal in terms of Section 62(1) of Punjab Value Added Tax Act 2005 and Section 9(2) of Central Sales Tax Act, 1956. It is noted in order dated 05.05.2016 that partner of the firm was asked to explain as to why the appeal be heard without pre-deposit of required 25% of additional demand. When asked to show his financial position, especially liquidity position, cash books, bank accounts, limit and details of other liquid/current assets, details and pattern of making payment to other government department etc., no such documents were produced and the partner expressed his inability to produce the same. Detail of financial position of all other partners including assets owned by them were also not revealed.

4. Appeal challenging order dated 05.05.2016 passed by the First Appellate Authority was challenged before learned Tribunal with a delay of 178 days. This delay was condoned by learned Tribunal and appeal allowed. Order dated 05.05.2016 passed by the First Appellate Authority was set aside and it was directed that First appellate Authority would decide the

appeal on merits provided appellant deposited 25% of the tax and interest before it within two months from the date of passing of the order i.e., 07.04.2017. Admittedly, petitioner did not deposit 25% of the said amount as directed vide order dated 07.04.2017.

5. Present writ petition has now been filed after long years challenging said orders.

6. Learned counsel for petitioner submits that it is on account of ill-health of petitioner, its proprietor and financial issues that necessary steps could not be taken. However, petitioner has now received information that coercive steps may be taken for recovery of the amount in question. Learned counsel for petitioner submits that the petitioner is ready and willing to deposit 25% of the amount in question but the First Appellate Authority should now be directed to hear the appeal on merits in terms of order dated 07.04.2017.

7. Learned counsel for the State (on advance notice) has opposed the writ petition.

8. We have heard learned counsel for the parties but do not find any ground whatsoever to cause interference in this writ petition.

9. It is a matter of record and undeniable that petitioner took no action for deposit of the 25% of the additional demand and the interest as directed by learned Tribunal vide order dated 07.04.2017. Petitioner chose to keep mum for all these long years and now suddenly in March 2025 this writ petition has been filed for setting aside of the impugned orders.

10. There is no explanation leave alone a reasonable explanation as to inaction of petitioner. Doubtlessly, there is no limitation for filing a writ petition, but at the same time it is settled position that a litigant is expected

to approach the Court within a reasonable time. Gainful reference in this respect can be made to judgments of Hon'ble the Supreme Court in **Union of India and Anr. versus Jahangir Byramji Jeejeebhoy (D) through his LR 2024(2) RCR (Civil) 571** and **Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & Others, (2013) 12 SCC 649.**

11. In the present case, there is no explanation leave alone a reasonable one to explain this colossal delay. Even now this writ petition has been filed under a probable threat of recovery by the department. We also do not find any merit in the plea raised by learned counsel for petitioner that at this stage petitioner should be permitted to deposit the amount in terms of order dated 07.04.2017 passed by learned tribunal, upon which appeal should be heard by the First Appellate Authority. Such a request is clearly devoid of any merit, hence rejected.

12 No other argument has been raised.

13. Writ petition is accordingly dismissed. Pending application(s), if any, stand(s) disposed of accordingly.

**(LISA GILL)
JUDGE**

**(MEENAKSHI I. MEHTA)
JUDGE**

September 04, 2025.
s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No