

Dhaval Talati

11 Can the appellate authorities waive the pre-deposit requirement for appeals? Facts of the Case The petitioner, M/s Anand Rathi Commodities International Pvt. Ltd., does not press for declaring Section 33(5) of the Haryana Value Added Tax Act, 2003 (HVAT Act) as ultra vires, in light of the Supreme Court's judgment in M/s Tecnimont Private Limited vs. State of Punjab & Others (2021) 12 SCC 477 - 2019-VIL-31-SC. The petitioner's counsel argues: The company's net worth is significantly lower than the tax demand, making it unable to meet the pre-deposit requirement under Section 33(5) of the HVAT Act. Relying on Tecnimont's judgment, the petitioner requests a waiver of the requirement for furnishing a surety bond or bank guarantee to hea.....