(2026) 02 UK CK 1758

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 3759 Of 2025

Tube Private Limited — APPELLANT

Vs

State Of Uttarakhand And Another — RESPONDENT

Date of Decision : 12-02-2026

Acts Referred:

Uttarakhand Value Added Tax (VAT) Act, 2005 — Section 51

Citation : (2026) 02 UK CK 1758

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Rohit Arora, Tarun Lakhera

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. By means of the present writ petition, petitioner has put to challenge the orders dated 12.03.2025 and 10.09.2025, whereby, petitioner's rectification application was rejected and he was asked by the order dated 12.03.2025 to deposit the tax dues along with interest and penalty.

2. It is contended by learned counsel for petitioner that in the year 2023, respondents-State has floated a policy under One Time Settlement Scheme, wherein, it was provided that if a tax payer deposited the tax dues on or before 30. 09.2023, the penalty and interest thereon would be waived off and proceedings against him would be dropped. The petitioner submits that pursuant to the aforesaid scheme, petitioner has deposited the entire tax levied upon him on 30.09.2023.

3. It is further contended by him that there is one condition in the aforesaid scheme that if any appeal is pending against the relevant assessment order, the said appeal would be withdrawn by the appellant/assessee. Unfortunately, the petitioner- assessee could not withdraw the appeal filed by him, which was remanded and the Assessing Officer again assessed the tax liability upon the

petitioner. The petitioner moved rectification application which got dismissed vide impugned order dated 10.09.2025.

4. It is contended by learned counsel for petitioner that since the petitioner has availed the Scheme and deposit the tax liability, therefore, only on account of a procedural mistake that the appeal was not withdrawn by him, he should not be inflicted with the tax liability along with interest and penalty.

5. Per contra, it is contended by learned State Counsel that so far as the One Time Settlement Scheme is concerned, there is no dispute to that. However, learned State Counsel submits that instead of coming to this Court, petitioner has an alternate remedy of Appeal under Section 51 of the Uttarakhand Value Added Tax (VAT) Act, 2005.

6. Having heard learned counsel for the parties and having perused the impugned orders as well as the pleadings in the writ petition, this Court is of the view that in the given facts and circumstances, it would be inappropriate to direct the petitioner to avail the remedy of Appeal against the fresh assessment order which apparently have been done due to a lapse on the part of the petitioner of not withdrawing the appeal which was pending against the initial assessment order. The petitioner, after availing the One Time Settlement Scheme, has deposited the tax and merely on account of not withdrawing the appeal, he should not have been reassessed by the Authority.

7. Accordingly, the writ petition is allowed. The reassessment order dated 12.03.2025 as well as the order dated 10.09.2025 passed on rectification application, shall stand quashed. The Assessing Authority shall drop the reassessment order and pass a dropping order, in accordance with law, in favour of the petitioner.

8. Pending application(s), if any, stands disposed of.

