

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

Dated this the 23rd day of July, 2015

Present

THE HON'BLE MR JUSTICE VINEET SARAN

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THE HON'BLE MRS JUSTICE B V NAGARATHNA

Writ Appeal 780 / 2015 (T-Res)

Between

M/s Dream Merchants
Events & Entertainment Groups
1/1, Bore Bank Road
Benson Town, Bangalore
By its Managing Partner – Mr Feroz Khan

Appellant

(By Sri Shivaraj N Arali, Adv.)

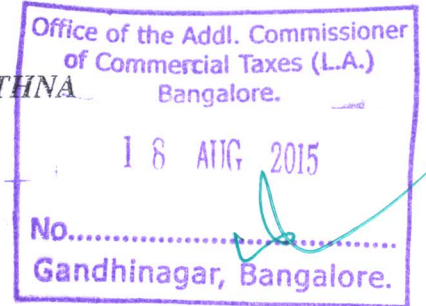
And

- 1 State of Karnataka – by its Secretary
Finance Department, M S Building
Bangalore 1
- 2 I/c Entertainment Tax Officer
Circle IV, Yeshwanthpura
Bangalore

Respondents

(By Sri T K Vedamurthy, GP)

Writ Appeal is filed under S.4 of the High Court Act praying to set aside the order dated 26.11.2014 in WP 10119/2014.



11/08/15
4/8/15

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Smt K)

Appeal coming on for preliminary hearing this day, *Vineet Saran J.*, delivered the following:

JUDGMENT

The appellant petitioner has been organizing fashion shows in Bangalore. For the 'Bangalore Fashion Week' show which was organized by the appellant from 2.2.2012 to 5.2.2012, the Department of Commercial Taxes issued a proposition notice dated 14.8.2013 under section 6A(3) of the Karnataka Entertainment Tax Act, 1958, proposing to impose 10% Entertainment Tax on sale of tickets of Rs.55,000/- and sponsorship fees received to the tune of Rs.47,50,000/-, totaling to Rs.48,05,000/-. In response to the same, appellant filed its reply dated 24.10.2013. Thereafter, vide order dated 29.10.2014, Entertainment Tax at the rate of 10% on the said amount of Rs.48,05,000/- was levied. Challenging the said order, appellant filed an appeal before the Joint Commissioner, which was dismissed, not on merits but on the ground of the appellant not having deposited 50% of the disputed amount. Aggrieved by the said order, petitioner/appellant filed a writ petition which has been dismissed on the ground of alternate remedy of statutory appeal before the

Karnataka Appellate Tribunal. Challenging the said order of the learned Single Judge, this writ appeal has been filed.

We have heard Sri Shivaraj N Arali, learned counsel for the appellant as well as Sri Vedamurthy, learned Government Advocate for respondents and have perused the record. With consent of learned counsel for the parties, this appeal has been heard and is being disposed of at the admission stage.

In the writ petition, petitioner had challenged the proposition notice dated 14.8.2013 on the ground that various material, on which the Department relied upon, were not provided along with the notice. Besides that, the order passed by the assessing authority was also challenged, primarily on the ground that though the reply dated 24.10.2013 had been given to the proposition notice dated 14.8.2013, yet the same was neither discussed nor considered in the assessment order. The writ petition was primarily filed on the ground that the impugned order of assessment was not a speaking order and though opportunity to show cause was given but, reply given by the petitioner to the notice was not considered and thus, the same would

