**(SHOW CAUSE NOTICE BEFORE ADMISSION)**
**HIGH COURT OF JUDICATURE AT HYDERABAD**
**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADE**
(Special Original Jurisdiction)
MONDAY , THE SIXTEENTH DAY OF FEBRUARY,
TWO THOUSAND AND FIFTEEN

:PRESENT:
**THE HON'BLE SRI JUSTICE R.SUBHASH REDDY**
**AND**
**THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO**
WP NOs :3316, 3323 AND 3374 of 2015

Between:

Cantour Steel Engineering India (P) Limited, having its Office at 9-4-77/A/247, Al-Hasnath Colony, ToliChowki, Hyderabad - 500008, rep. by its Authorised Representative Sri Mohd. AdilRiaz, S/o Mohd.Rasheed

..... PETITIONER

AND

1 State of Telangana, rep. by its Principal Secretary, Department of Commercial Taxes, Secretariat Buildings, Hyderabad.
2 The Commissioner of Commercial Taxes Department, State of Telangana, Hyderabad.
3 The Commercial Tax Officer, Mehdipatnam Circle, Mehdipatnam, Hyderabad

.....RESPONDENTS

**WP NO :3316 of 2015**

WHEREAS the Petitioner above named through his Advocate Sri AVINASH DESAI presented this writ petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction, one more particularly in the nature of "Writ of Mandamus" declaring that inaction of the respondents in refunding the tax paid by the petitioner in accordance with the provisions of VAT Act for the payments made against filing appeals against the Assessment Orders for the year April 2009 - May 2010 despite the said appeals being allowed and despite the request letters being issued for the purpose of refunding the said tax amount, as being arbitrary, illegal, unconstitutional and violative of the petitioner's right guaranteed under Articles 14, 19 and 300-A of the Constitution of India and consequently, direct the respondents to forthwith refund the amount of tax paid by the petitioner along with interest under Section 39 of the VAT Act and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case.;

**WP NO : 3323 of 2015**

Between:

Cantour Steel Engineering India (P) Limited, having its Office at 9-4-77/A/247, Al-Hasnath Colony, ToliChowki, Hyderabad - 500008, rep. by its Authorised Representative Sri Mohd. AdilRiaz, S/o Mohd.Rasheed

..... PETITIONER

AND

1 State of Telangana, rep. by its Principal Secretary, Department of Commercial Taxes, Secretariat Buildings, Hyderabad.
2 The Commissioner of Commercial Taxes Department, State of Telangana, Hyderabad.
3 The Commercial Tax Officer, Afzalgunj Circle,Hyderabad.

4 The Commercial Tax Officer, Mehdipatnam Circle, Mehdipatnam, Hyderabad

.....RESPONDENT(S)

WHEREAS the Petitioner above named through his Advocate Sri AVINASH DESAI presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction, one more particularly in the nature of "Writ of Mandamus" declaring that inaction of the respondents in refunding the penalty paid by the petitioner in accordance with the provisions of VAT Act against the Assessment Orders for the year April 2009 - May 2010 despite the main appeal pertaining to disputed tax being allowed and despite the request letters being issued for the purpose of refunding the said penalty amount, as being arbitrary, illegal, unconstitutional and violative of the petitioner's right guaranteed under Articles 14, 19 and 300-A of the Constitution of India and consequently, direct the respondents to forthwith refund the amount of penalty paid by the petitioner along with interest under Section 39 of the VAT Act and pass such other order or orders as are deemed fit and proper in the facts and circumstances of the case. ;

**WP NO : 3374 of 2015**

Between:

Cantour Steel Engineering India (P) Limited,having its Office at 9-4-77/A/247, Al-Hasnath Colony, Toli Chowki, Hyderabad - 500008, rep. by its Authorised Representative Sri Mohd. AdilRiaz, SA) Mohd.Rasheed

..... PETITIONER

AND

1 State of Telangana,rep. by its Principal Secretary, Department of Commercial Taxes, Secretariat Buildings, Hyderabad.
2 The Commissioner of Commercial Taxes Department, State of Telangana, Hyderabad.
3 The Commercial Tax Officer, Mehdipatnam Circle, Mehdipatnam, Hyderabad

.....RESPONDENT(S)

WHEREAS the Petitioner above named through his Advocate Sri AVINASH DESAI presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction, one more particularly in the nature of "Writ of Mandamus" declaring that inaction of the respondents in refunding the tax paid in pursuance of the provisions of VAT Act, 2005 for filing appeals against the Assessment Orders for the year June 2010 to April 2011 despite the said appeals being allowed and despite the request letters being issued for the purpose of refunding the said tax amount, as being arbitrary, illegal, unconstitutional and violative of the petitioner's right guaranteed under Articles 14, 19 and 300-A of the Constitution of India and consequently, direct the respondents to forthwith refund the amount of tax paid by the petitioner along with interest under Section 39 of the VAT Act;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri AVINASH DESAI Advocate for the Petitioner in all WPs and directed issue of notice to the Respondents in all WPs herein to show cause as to why this writ petition should not be admitted in the circumstances set out in the petition and the affidavit filed in Writ Petition;

You viz ;

1 The Principal Secretary, Department of Commercial Taxes, State of Telangana, Secretariat Buildings, Hyderabad.
2 The Commissioner of Commercial Taxes Department, State of Telangana, Hyderabad.
3 The Commercial Tax Officer, Mehdipatnam Circle, Mehdipatnam, Hyderabad

are directed to show cause as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this writ petition should not be admitted.

**The Court further made the following order:**

**Notice before admission .**
**Post after three weeks for filing counter.**

**Sd/- N.PURUSHOTHAM REDDY**
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1 The Principal Secretary, Department of Commercial Taxes, State of Telangana, Secretariat Buildings, Hyderabad.
2 The Commissioner of Commercial Taxes Department, State of Telangana, Hyderabad.
3 The Commercial Tax Officer, Mehdipatnam Circle, Mehdipatnam, Hyderabad
**( 1 to 3 By RPAD along with a copy of petition affidavit)**

4 One CC to Sri Avinash Desai, Advocate (OPUC)

5 Two CCs to the G.P. for Commercial Tax, (TG), High Court, Hyd. (OUT)

6 Two spare copies

**BJLB**

**HIGH COURT**

**RSR, J & Dr. SSRB, J**

**DATE: 16-02-2015**

**NOTICE BEFORE ADMISSION**

**POST AFTER THREE WEEKS FOR FILING COUNTER.**

**WP. NOS. 3316, 3323 AND 3374 OF 2015**

DIRECTION

**DRAFTED: BJLB**
**Dated: 18-02-2015**

**HIGH COURT**

**RSR, J & Dr. SSRB, J**

**DATE: 16-02-2015**

**NOTICE BEFORE ADMISSION**

**POST AFTER THREE WEEKS FOR FILING COUNTER.**

WP.NOS. 3316, 3323 AND 3374 OF 2015.

DIRECTION