THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.40144 of 2014

ORDER:

The case of the petitioner is that he has been entrusted with the work under an agreement No.6SE/(T)/2014-15, dated 07.11.2014, to execute "NSP-NSLBC-APWSIP – Balance Work of Rehabilitation and Modernization from KM.123.450 to KM.180.000 of Nagarjunasagar Lal Bahadur Canal, T.S. India (Package No.LC-KMM-5)". This work was carved out from the work earlier allotted in favour of some other contractor under Agreement No.2SE(T)/2008-09, dated 30.05.2008. While preparing the estimates, Value Added Tax (VAT) was calculated at 4% and by virtue of G.O.Ms.No.1718, dated 13.09.2011, published in A.P. Gazette, dated 14.09.2011, VAT came to be increased to 5% under the Andhra Pradesh Value Added Tax Act, 2005.

On earlier occasions, the petitioner had challenged collection of VAT at 5%, on the ground that the same was not included in the process of estimating the works and, in fact, in similar circumstances, the same came to be challenged before this Court and a batch of writ petitions came to be allowed, whereunder a direction was issued to the respondents only to deduct so much of VAT amount as provided for in the agreement. In W.P.No.37969 of 2013, a reference was made to the orders passed in W.P.No.34569 of 2012.

Learned Assistant Government Pleader, who was directed to get instructions by this Court, vide order, dated 27.12.2014, on instructions, submits that similar orders came to be passed by this Court, and he has no objection to pass the same order as passed in W.P.No.37969 of 2013.

Recording the said submission, the writ petition is disposed of, at the stage of admission, directing that the respondents shall deduct only that much of VAT as is provided for in the estimates of the works assigned to the petitioner and incorporated in the agreements. There shall be no order as to costs.

The miscellaneous petitions filed in this writ petition shall also stand disposed of.

CHALLA KODANDA RAM, J.

Date:27.01.2015
GJ