HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

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Writ Petition No.2140 of 2003

Date: 09.09.2015

Between:
M/s. Vijaya Construction Company,
Hyderabad.

Petitioner

And

The Superintending Engineer,
Nagarjuna Sagar Left Canals (O&M),
Irrigation & CAD Department,
Khammam District and another.

… Respondents

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Writ Petition No.2140 of 2003

ORDER: (Per Hon'ble Sri Justice S.V. Bhatt)

Heard Mr. P. Ananda Seshu, learned counsel for the petitioner and the learned Government Pleader for Irrigation & Command Area Development (TG) for the respondents.

The petitioner prays for Writ of Mandamus to declare the threatened action of the respondents in deducting Sales Tax at 9% on a few components used by the petitioner while executing agreements dated 3.6.2002, as illegal and arbitrary.

We have perused the material available on record and noted the submissions of learned counsel appearing for parties.

Prima facie, we are of the view that the cause of action for filing the present writ petition is the threatened deduction of Sales Tax at 9% by respondents. This Court in exercise of its jurisdiction under Article 226 of Constitution, in anticipation of some action being taken by the respondents, a writ particularly as prayed in the writ petition ought not to be issued. Having regard to the nature of controversy, we are satisfied that this writ petition can be disposed of with the following order:

> "The writ petitioner is given three weeks' time from today to make a representation to respondents on the grievance set out in the present writ petition. If a representation is made by the petitioner, the respondents are directed to examine the representation, pass appropriate orders and communicate the orders to the petitioner. It is made clear that while directing disposal of representation, we should not be understood as expressing any view on the merits of the grievance."

The writ petition is accordingly disposed of.

Consequently, pending miscellaneous applications shall also stand closed. No costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

9th September, 2015

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