

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

THURSDAY, THE THIRD DAY OF DECEMBER,  
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN  
AND  
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

WP .NO: 22860 of 2015

Between:

M/s. OM Traders,  
Rep.by its Partner, Sri Navish Kumar Kalantri,  
19-5-2/C/1, Badharpura, Hyderabad-43.

..... Petitioner

AND

- 1 Deputy Commercial Tax Officer, Maharaj Gunj Circle, Hyderabad.
- 2 Commercial Tax Officer, Lad Bazaar Circle, Hyderabad.
- 3 Deputy Commissioner (CT), Charminar Division, Hyderabad.
- 4 State of Telangana, Rep. by its Principal Secretary to Government,  
Revenue (CT-II) Department, Telangana Secretariat, Hyderabad.

.....Respondents

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 of Mandamus or any other appropriate writ or order or direction and declaring the action of 2<sup>nd</sup> respondent in not granting refund as illegal, arbitrary besides being violative of the provisions of the Act and consequentially direct the 2<sup>nd</sup> respondent to grant refund of Rs.8,55,868/- along with interest accrued thereon as envisaged under Section 38(6) of the Act.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri A.K. Jaiswal, Advocate for the Petitioner and Sri M.Govind Reddy, learned Special Standing Counsel for Commercial Taxes, for the Respondents, the Court made the following

**ORDER:**

**Sri M.Govind Reddy, learned Special Standing Counsel for Commercial Taxes, requests three (3) weeks time to file counter-affidavit.**

**The relief, as sought for in this writ petition, is for refund of an excess input tax credit of Rs.8,55,165/- which was determined by an order of confirmation dated 23.04.2011 more than four years ago.**

**Post after three (3) weeks.**

**In case no counter affidavit is filed, the 3<sup>rd</sup> respondent shall be personally present in Court on the next date of hearing at 10:30 A.M.**

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Deputy Commercial Tax Officer, Maharaj Gunj Circle, Hyderabad.
- 2 The Commercial Tax Officer, Lad Bazaar Circle, Hyderabad.
- 3 The Deputy Commissioner (CT), Charminar Division, Hyderabad. **(By Spl. Messenger)**
- 4 The Principal Secretary to Government, Revenue (CT-II) Department, State of Telangana, Telangana Secretariat, Hyderabad.
- 5 One CC to Sri A.K. Jaiswal, Advocate (OPUC)
- 6 Two CCs to the Special Standing Counsel for Commercial Taxes (TG), High Court of Judicature at Hyderabad. (OUT)
- 7 Two spare copies.

**HIGH COURT**

**RR,J  
&  
MSM,J**

**DATED: 03-12-2015**

**NOTE: If counter is not filed,  
For appearance of R-3  
Post after three weeks**

**ORDER**

**W.P.NO. 22860 OF 2015**

**DIRECTION**

**HIGH COURT**

**Nnr**

**Date of Drafting : 07-12-2015**

**RR,J  
&  
MSM,J**

**DATED: 03-12-2015**

**NOTE: If counter is not filed,  
For appearance of R-3  
Post after three weeks**

**ORDER**

**W.P.NO. 22860 OF 2015**

**DIRECTION**