HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No.35090 OF 2016

ORDER: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri Dantu Srinivas, learned counsel for the petitioner, and Sri S. Suri Babu, learned Special Standing Counsel for Commercial Taxes and, with their consent, the writ petition is disposed of at the stage of admission.

The proceeding, under challenge in this writ petition, is the assessment order passed in FORM VAT 305 dated 24.09.2016 for the tax period August, 2014 to May, 2016 wherein the petitioner was subjected, among others, to tax on a turnover of Rs.7,34,81,698/- based on the information obtained from the bank account statements of the petitioner firm. By their letter dated 20.09.2016, the petitioner informed the assessing authority that, as they were unable to correlate the bank total figures shown by the assessing authority, the period for which these figures are noted may be furnished, so that they could explain transaction-wise details to him. The petitioner also sought one weeks time to explain the transaction-wise details after providing the details as noted in their letter. The fact, however, remains that the impugned assessment order came to be passed without furnishing to the petitioner copies of the bank statements on which reliance has been placed by the assessing authority in subjecting them to tax.

Sri S. Suri Babu, learned Special Standing Counsel for Commercial Taxes fairly states that, instead of keeping the writ petition pending on the file of this Court, it would suffice if this

Court permits the assessing authority to make available copies of the bank statements within one week from today, and to pass a fresh assessment order within a specified time frame.

In view of the submission now made by the learned Special Standing Counsel for Commercial Taxes, we consider it appropriate to dispose of the writ petition. The impugned order of assessment is set aside. The assessing authority shall, within ten (10) days from today, make available copies of the bank statements on which he intends to place reliance upon. The petitioner shall submit their objections within two (02) weeks from the date of receipt of the information from the assessing authority. The assessing authority shall, thereafter, afford the petitioner an opportunity of a personal hearing, and pass a fresh assessment order in accordance with law at the earliest and, in any event, not later than two (02) months from the date of receipt of a copy of this order. Needless to state that, in case the petitioner fails to submit their objections within the time stipulated hereinabove, it is open to the assessing authority to proceed and pass an assessment order afresh in accordance with law.

The Writ Petition is, accordingly, disposed of. No costs. As a sequel thereto, Miscellaneous Petitions, if any pending in the writ petition stand disposed of.

RAMESH RANGANATHAN, ACJ

A. SHANKAR NARAYANA, J

November 3, 2016.

PV/Mgr