

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 35949 of 2014

Order:

The petitioner claims to be the owner of Tractor along with Trailer bearing registration No.AP 27D 1443 and 1444. He obtained a permit for carriage of goods on 08.07.2008 as well as a fitness certificate issued by the Regional Transport Authority, Gudivada. He kept the vehicle idle as he was unable to ply the same and, when he took out the vehicle on 18.11.2014, the third respondent – Assistant Motor Vehicles Inspector, Machilipatnam, Krishna District, checked the vehicle. A vehicle check report was prepared on the same day and it was mentioned that the vehicle was stopped while going from Nandamuru to Machilipatnam and the vehicle did not contain the proof of payment of tax up to 31.12.2014 and also registration certificate, fitness certificate and permit. Challenging the seizure of the said vehicle, the present Writ Petition was filed.

2. The Regional Transport Authority, second respondent filed a counter stating that pursuant to the interim orders of this Court dated 26.11.2014 the petitioner submitted a representation seeking release of the vehicle and on receipt of the same a show cause notice R.No.11937/A2/2014, dated 04.12.2014, was issued for payment of tax and penalty from 30.06.2009 to 31.12.2014 and another notice was issued on 04.12.2014 for payment of compounding fee of Rs.11,225/- and the same was received by the petitioner on 04.12.2014.

3. Now, when the Writ Petition is taken up for consideration, learned counsel for the petitioner submits that he is ready to pay the compounding fee of Rs.11,225/- for release of the vehicle and would submit explanation for the show cause notice issued for recovery of tax and penalty for the period from 30.06.2009 to 31.12.2014.

4. In view of the same, the second respondent is directed to release

the vehicle on receipt of the amount of Rs.11,225/- towards compounding fee and liberty is given to the petitioner to submit his explanation within a period of fifteen (15) days from the date of receipt of a copy of this order. On receipt of the said explanation, the second respondent shall pass final orders with regard to recovery of tax and penalty.

5. The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

6. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 28.04.2016
Nsr

RAMALINGESWARA RAO, J