

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

THURSDAY, THE SECOND DAY OF JULY,
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH
AND
THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

WP .NO: 19866 of 2015

Between:

Alchemist Asset Reconstruction Company Limited
Company incorporated under the provisions of the Companies Act, 1956 and
duly registered with the RBI under Section 3 of SARFAESI Act, 2002 having its
Registered office at D-54, Defence Colony, New Delhi-110 024. Rep. by its
Chief Operating Officer, S.V. Venkatakrishnan.

..... Petitioner

AND

- 1 The Commercial Tax Officer (VAT), South Circle, Vizianagaram District, A.P.
- 2 The Zonal Manager, Commercial Tax Department, Visakhapatnam, Visakhapatnam District, A.P.
- 3 The Deputy Commercial Tax Officer (VAT), South Circle, Vizianagaram, Vizianagaram District, A.P.
- 4 The Deputy Commissioner (CT), Vizianagaram Division, AP.
- 5 Commissioner (CT), Commercial Tax Office, Hyderabad, A.P.
- 6 State of Andhra Pradesh, rep. by its Principal Secretary, Commercial Taxes Dept., 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 pass an order or orders, direction or a writ or more particularly one in the nature of Writ of mandamus declaring the action of the respondent No.3 in issuing the Notices dated 12.05.2015 (Form 7) and 01.06.2015 (Form 7A) under Section 36 of the Revenue Recovery Act, 1864, whereby Plot No.38, I.D.A. Nellimarla Village, Vizianagaram District, Andhra Pradesh which is in the possession of the petitioner is put on auction on 27-06-2015 thereafter postponed to 03-07-2015 under the measures initiated under Section 13 of the SARFAESI Act to purportedly recover sales tax dues as being illegal, arbitrary and in violation of the principles of natural justice apart from being violative of Article 19(1) (g) of the Constitution.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri P. Balaji Varma, Advocate for the Petitioner and G.P. for Commercial Taxes (AP) for the Respondents, the Court made the following

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner submits that the proceedings dated 12.05.2015, a sum of Rs.45,56,678/- has been crystallized as amounts that are required to be

paid. Department had also considered and waived the interest component on condition of the petitioner paying the entire amount in one go, under the scheme of one-time settlement.

Inasmuch as the amount which is required to be paid has been crystallized and considering the circumstances which have been explained in the affidavit and considering the legalities involved in the matter, there shall be stay of auction which is proposed to be held on 03.07.2015, for a period of one week.

Learned counsel for the petitioner undertakes to get instructions and seeks one week's time to file an affidavit before this Court setting out the proposed mode of payments, within which the amount of Rs.45,56,678/- shall be paid.

Post on 09.07.2015.

In the meanwhile, learned Government Pleader shall get instructions.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Commercial Tax Officer (VAT), South Circle, Vizianagaram District, A.P.
- 2 The Zonal Manager, Commercial Tax Department, Visakhapatnam, Visakhapatnam District, A.P.
- 3 The Deputy Commercial Tax Officer (VAT), South Circle, Vizianagaram, Vizianagaram District, A.P.
- 4 The Deputy Commissioner (CT), Vizianagaram Division, AP.
- 5 The Commissioner (CT), Commercial Tax Office, Hyderabad, A.P.
- 6 The Principal Secretary, Commercial Taxes Dept., State of Andhra Pradesh, Secretariat, Hyderabad.

(Addressees 1 to 6 BY RPAD)

- 7 One CC to Sri P. Balaji Varma, Advocate (OPUC)
- 8 Two CCs to the G.P. for Commercial Taxes (AP), High Court, Hyderabad. (OUT)
- 9 Two spare copies.

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HIGH COURT

**GC,J
&
CKR,J**

DATED: 02-7-2015

NOTE: Post on 09-07-2015

ORDER

W.P.NO. 19866 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 02-07-2015

**GC,J
&
CKR,J**

DATED: 02-7-2015

NOTE: Post on 09-07-2015

ORDER

W.P.NO. 19866 OF 2015

DIRECTION