

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.6066 OF 2016

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

Heard Sri M.V.J.K.Kumar, learned counsel for the petitioners and Mr. Shaik Jeelani Basha, learned Special Standing Counsel for Commercial Taxes and with their consent, the Writ Petition is disposed of at the stage of admission. Two vehicles were detained, one at Sullurpet and the other in Ozili. In so far as the goods being carried in vehicle bearing No.AP-26-Y-5558 is concerned, no confiscation notice has been issued, while a confiscation order was passed with respect to the goods being carried in vehicle bearing No.AP-27-Y-8377.

Mr. Shaik Jeelani Basha, learned Special Standing Counsel for Commercial Taxes, would submit that in case the petitioners are willing to pay tax on the value of the goods as mentioned in the detention notice, and twice the said amount as penalty, the department would have no objection to release the goods. Sri M.V.J.K.Kumar, learned counsel for the petitioners, would readily agree to do so. On the petitioner furnishing proof of payment of tax on the value of the goods mentioned in the detention notice, and twice the said amount as penalty, the goods being carried in vehicle bearing No.AP-26-Y-5558 shall be released forthwith.

In so far as the goods being carried in vehicle bearing No.AP-27-Y-8377 are concerned, an order of confiscation was passed on 19.02.2016. Sri M.V.J.K.Kumar, learned counsel for the petitioners, would submit that the petitioners would file another Writ Petition questioning the order of confiscation; and they be granted liberty to do so. Ends of justice would be met if the Writ Petition is disposed of directing the respondents to release the goods being carried in vehicle bearing No.AP-26-Y-5558 on the petitioner furnishing proof of payment of tax on the value of the goods mentioned in the detention notice, and twice the said amount as penalty. In so far as the goods, being carried in

vehicle bearing No.AP-27-Y-8377, is concerned, the petitioners are granted liberty to question the order of confiscation dated 19.02.2016 in appropriate legal proceedings.

The Writ Petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

1st March 2016

Note: Issue CC tomorrow
B/O
RRB