

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.3818 OF 2006

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

The action of the first respondent in not passing any order on the petitioner's representation dated 20.02.2006 for inclusion of the by-product i.e., soya bean meal/De-oiled cake as per the recommendations of the third respondent dated 20.10.2005, in the revised final eligibility certificate issued by the first respondent on 07.09.2004, is being questioned in this Writ Petition as being arbitrary and illegal.

While the initial eligibility certificate dated 22.04.2000 refers to the product as solvent extraction of soya bean, the assessment authority sought to deny the petitioner the benefit of deferment of tax on soya bean De-oiled cake as the final eligibility certificate dated 07.09.2004 records the product as solvent extraction of oils from soya bean seeds. While the petitioner claims to have submitted repeated representations for inclusion of soya bean

de-oiled cake in the final eligibility certificate, all that is stated in the counter affidavit, filed by the Assistant Director of Industries on 16.03.2006, is that the petitioner's request for such inclusion has been referred to the Standing Scrutiny Committee; and after receipt of the Committee's report, the same has to be placed before the State Level Committee for its decision.

When the matter came up earlier, we granted time to the learned Government Pleader for Industries to obtain instructions. Even today, the learned Government Pleader for Industries expressed ignorance, and submits that he has not received any instructions in the matter.

As the Writ Petition is of the year 2006, and has been pending on the file of this Court for more than a decade, we consider it appropriate to dispose of the Writ Petition directing the Commissioner of Industries, Government of Telangana to consider the petitioner's representation; and

take a decision, in accordance with the prescribed procedure, at the earliest and, in any event, not later than three months from the date of receipt of a copy of this order.

The Writ Petition stands 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)

4th April 2016

RRB