

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA
MURTHY**

WRIT PETITION No.8799 2016

ORDER: (Per the Hon'ble Sri Justice Ramesh Ranganathan)

The petitioner's complaint in this writ petition is that the 2nd respondent did not remit Rs.59,04,467/-, being the TDS deducted under Section 22(3) of the A.P.Value Added Tax Act, 2005 (for short "the Act") from out of the RA Bills raised by them, and had illegally remitted the said amount to the 3rd respondent instead of to the 1st respondent.

S r i S.Dwarakanath, learned counsel for the petitioner, would draw attention of this Court to the counter affidavit filed by the Commercial Tax Officer, Macherla, dated 24.06.2016 wherein the CTO, in paragraph 8, records that the amounts mentioned therein were received by his office; the total amount credited to the account of the petitioner was Rs.39,13,535/-; the said bills were accepted and were credited to the petitioner's account after demand notice dated 25.02.2016 was issued by him; and, after receipt of the payment particulars furnished by APSPDCL and after giving credit to the said amount, an amount of Rs.1,20,193/- was still due by the petitioner; credit of TDS of Rs.16,66,217/-, made by APSPDCL to the CTO, Markapur, is required to be given; after adjusting this amount of Rs.1,20,193/-, a sum of RS.15,46,024/- is still available to the credit of the petitioner; and the same would be considered against the future liabilities arising under the Act.

S r i S.Dwarakanath, learned counsel for the petitioner, would submit that, in view of the assertions made in the counter affidavit, the petitioner does not seek an adjudication of this writ petition on merits, and it would suffice if this Court were to record the aforesaid submissions made in the counter affidavit.

Without expressing any opinion on merits, and in view of the aforesaid submissions made in the counter affidavit filed by the 1st respondent, the writ petition is closed. The miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

04th July 2016
JSU

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Date: 04.07.2016

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