

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22118 OF 2016

ORDER:

The writ petition is filed challenging the action of the respondents in inclusion of payment of service tax clause in the agreement and thereby directing the petitioner to pay the service tax of 15%.

Heard the learned counsel for the petitioner and Sri A. Ravi Babu, learned standing counsel for the respondents.

As can be seen from the terms and conditions of the tender, the service tax as applicable shall be borne by the licensee only at the rate as communicated by the Government from time to time. The applicable service tax is payable @ 14.50% on the monthly license fees.

The learned counsel for the petitioner submits that the tender document *per se* does not contain the clause relating to the service tax and hence he seeks liberty to submit the representation before the Corporation explaining the difficulty in compliance with the service tax component.

As the relief sought by the petitioner is confining only to filing of the representation, petitioner is always at liberty to file the representation before the respondents Corporation, which shall be considered, in accordance with the law, within a period of four weeks from the date of submission of the representation by the petitioner.

Accordingly, the writ petition is disposed of with the above observations. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM,J

Date:15.07.2016.

Note: Issue CC forthwith. B/o.

Gk

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