

THE HON'BLE SRI JUSTICE A.V.SESHA SAI
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI
WRIT PETITION No.16823 of 2016

ORDER: (Per the Hon'ble Sri Justice M.Seetharama Murti)

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Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

The grievance of the writ petitioner is about the detention of the subject vehicle with the goods contained therein by the respondents. The consequential show cause notice is under challenge in this writ petition.

The learned counsel for the petitioner would submit that explanation was already submitted to the show cause notice and that the goods are worth less than a lakh of rupees. But, in the show cause notice, it is stated that why appropriate action under Section 59 of the AP VAT Act, 2005 (for short 'the Act') should not be initiated and compounding of the offence be not proposed with an amount up to Rs.1,00,000/- in lieu of prosecution. Since the said amount is more than the value of the goods in the vehicle and the goods are detained for 15 days, in the facts and circumstances of the cases, the petitioner in the writ petition is prepared to compound the offence, on payment of reasonable amount.

The learned Standing Counsel would submit that as per the amended provision of the Act, non-stopping of the vehicle and obstructing the authority is an offence punishable with imprisonment for a term which shall not be less than one month and which may extend to six months and also with fine and that in the facts and circumstances of the case, since explanation was already submitted to the show cause notice, the writ petition may be disposed of directing the authority concerned to pass appropriate orders in accordance with the procedure established by law.

Having perused the record and having given earnest consideration to the submissions, we are of the view that the writ petition can be disposed of with the following directions:

The authority concerned shall consider the explanation offered by the petitioner in the writ petition and also the proposal to compound the offence, as envisaged under the provision of law, while passing appropriate orders. The authority concerned shall pass orders within a period of one week from the date of receipt of this order. In the meanwhile, the petitioner shall deposit Rs.15,000/- and on such payment, the vehicle along with the goods shall be released forthwith on production of necessary documents, in accordance with the procedure; and the amount so deposited shall be adjusted towards the compounding fee in the order that may eventually be passed by the authority concerned.

It is needless to mention that if the compounding fee is less than Rs.15,000/- which is stated to be paid, the petitioner is entitled to the refund of the balance amount.

The writ petition is accordingly disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

A.V.SESHA SAI, J

M.SEETHARAMA MURTI, J

Date:26.05.2016

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Dated:26.05.2016

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