THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.18201 OF 2016

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

The relief sought for in this Writ Petition is to declare the notifications in G.O.Ms.Nos.145 and 146 dated 25.08.2015, issued by the second respondent levying luxury tax on corporate hospitals, as being contrary to law and illegal. By the aforesaid notifications the Government exercised power, under Section 101 of the Andhra Pradesh Reorganisation Act, 2014, to make adaptations and modifications in the Andhra Pradesh Tax on Luxuries Act, 1987 and in the Andhra Pradesh Tax on Luxuries Rules, 1987.

It is not in dispute that no notice has been issued to the petitioner calling upon them to pay tax in terms of the aforesaid notification. An additional affidavit is filed by the petitioner stating that officers of the respondents were coming every week, and were threatening the petitioner and their staff that they would take action against the petitioner-hospital as they were not levying luxury tax on patients being treated in the Intensive Care Unit; and, about three weeks ago, the DCTO, Jubilee Hills had come to the petitioner and had threatened them with dire consequences if luxury tax was not paid.

Sri J.Anil Kumar, learned Special Standing Counsel for Commercial Taxes, would submit that the allegations of threat are not true, and no coercive steps would be taken against the petitioner for recovery of luxury tax, without issuing a notice to them in writing.

Recording the aforesaid submission of the learned Special Standing Counsel, and as no notice has been issued to the petitioner till date calling upon them to pay Luxury tax, we see no reason to exercise discretion to entertain this Writ petition. Suffice it to observe that, in case any notice is issued to the petitioner, it is always open to them to question the same in appropriate legal proceedings.

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

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

13th June 2016
RRB