

THE HON'BLE SRI JUSTICE A.V.SESHA SAI
AND
THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

W.P.Nos.16639, 16645, 16675, 16676, 16677, 16681,
16696, 16698, 16720, 16723 and 16724 of 2016

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

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

The grievance of the writ petitioners is about the detention of the vehicles with the goods contained therein by the respondents. The respective consequential show cause notices are under challenge in these writ petitions.

The learned counsel for the petitioners would submit that explanations were already submitted to the show cause notices and that the goods in the respective cases are worth less than a lakh of rupees. But, in the show cause notices, it is stated that why appropriate action under Section 59 of the AP VAT Act, 2005 (for short 'the Act') would 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 vehicles and the goods are detained for 15 days, in the facts and circumstances of the cases, the petitioners in the respective writ petitions are 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 explanations were already submitted to the show cause notices, the writ petitions 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 petitions can be disposed of with the following directions:

The authority concerned shall consider the explanations offered by the petitioners in the respective writ petitions 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 common order. In the meanwhile, the petitioners shall deposit Rs.15,000/- in each case and on such payment, the vehicles along with the goods shall be released forthwith on production of necessary documents, in accordance with the procedure; and the amounts so deposited shall be adjusted towards the compounding fee in the orders that may eventually be passed in each case 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 petitioners are entitled to be refunded the balance amount.

The writ petitions are 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