

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NOs.9003 AND 9596 OF 2016

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

In both these Writ Petitions (the first filed by the borrower and the second by the Asset Reconstruction Company), the action of the Commercial Tax Department of the Government of Andhra Pradesh, in seeking to put the mortgaged properties of the borrower to sale for recovery of the sales tax arrears due to them, is questioned as being arbitrary and illegal.

In the auction scheduled to be held on 31.03.2016, an upset price of Rs.13.5 crores was fixed for the sale of the subject property. Sri S.Suri Babu, learned Special Standing Counsel for Commercial Taxes, on instructions, would submit that the highest bid received was for Rs.7.5 crores, which is far less than the upset price fixed for the auction; consequently, the auction held on 31.03.2016 has been cancelled; and action would be initiated afresh to put the subject property to sale.

As the sale notice dated 08.03.2016, whereby the auction was scheduled to be held on 31.03.2016, is under challenge in these Writ Petitions, it is evident that the cause in the Writ Petitions do not survive necessitating any further adjudication by this Court, and that the Writ Petitions have become infructuous.

Both the Writ Petitions are, accordingly, dismissed as infructuous. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, J)

(SURESH KUMAR KAIT, J)

12th April 2016

RRB