

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.12515 of 2016

DATED:06-11-2017

Between:

M/s. Sri Ganesh KTPP Contract Workers'
Welfare Society
Suit No.5, KTPP Colony
Chelpur Village, Ghanpur Mandal
Warangal District
Rep. by its President Vanga Satish ... Petitioner

And

Union of India
Rep. by its Joint Secretary – Finance
Ministry of Finance
New Delhi
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. C. Raghu

COUNSEL FOR RESPONDENT NOS.1 and 2: Smt. Sundari
R. Pisupati

COUNSEL FOR RESPONDENT NO.3: Smt. A. Deepthi

THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for the following substantive relief:

"...to issue a Writ of Mandamus, or any other appropriate writ, order declaring the order passed by the 2nd respondent vide O.R. No.31/2015-Hyd-III-Adjn (ST), dated 29.02.2016, is illegal, arbitrary, without jurisdiction and contrary to the provisions of Finance Tax, 1994 and set aside the same and further direct the 2nd respondent to recover the amounts, if any required to be paid by the petitioner society towards service tax from the 3rd respondent."

After arguing the case, Mr. C. Raghu, learned counsel for the petitioner, submitted that as various factual aspects are involved in this writ petition, his client is advised to file an appeal before the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) and that as it has been pursuing the writ petition it could not file the appeal within the stipulated time. He has therefore requested for permission of the Court to withdraw the writ petition with liberty to his client to file an appeal within a reasonable time.

In the facts and circumstances of the case, the petitioner is permitted to withdraw the writ petition with the liberty to it to file an appeal within six weeks. If such an appeal is filed within the above stipulated time, the CESTAT shall entertain and decide the same on merits without raising an objection to the limitation.

Subject to the above directions, the writ petition is dismissed as withdrawn.

As a sequel to dismissal of the writ petition, W.P.M.P. Nos.15686, 45710 and 57054 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

CHALLA KODANDA RAM, J

06-11-2017

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