THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.168 of 2016

Date: 18.12.2017

Between:

M/s.Nestle India Limited,
32/1, Survey No.260,
C/o.Aries Enterprises,
Kandlakol village, Medchal mandal,
Ranga Reddy district, Telangana State,
rep. by its Manager-Administration,
Sri R.Narayanan … Petitioner

And

Assistant Commissioner (CT) (LTU),
Hyderabad Rural Division,
Hyderabad and three others … Respondents

Counsel for the Petitioner : Mr. C.Umakanth Sarma
for Mr.S.Krishna Murthy

Counsel for the Respondents : Mr. Shaik Jeelani Basha
Special Standing Counsel
for Commercial Taxes(AP)
for respondents No.1 to 3

Mr. J.Anil Kumar,
Special Standing Counsel for
Commercial Taxes (TS)
for respondent No.4

The Court made the following:

Order : (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for the following substantial relief:

> "to issue a writ, order or direction, particularly one in the nature of writ of mandamus, directing the second respondent to refund the tax and penalty amounting to Res.13,38,322/- collected by the second respondent by his proceedings dated 01.09.2015 passed in O.R.No. in TIN.No.37400138697/2015-16 on the movement of goods into the State of Andhra Pradesh by Vehicle No. AP 29 TA 6637 on stock transfer basis from the branch situated at Hyderabad in the State of Telangana to its branch situated at Vijayawada in the State of Andhra Pradesh".

2. At the hearing, the learned counsel for both parties, submitted that all the issues raised in this writ petition, are identical to those raised in W.P.No.43200 of 2016 and that, as the said writ petition is disposed of by a separate order passed by this Court, similar order may be passed in this case also.

3. Accordingly, this writ petition is disposed of in terms of the order in W.P.No.43200 of 2016, with a direction that the reasons and directions contained therein, shall form part of this order.

4. As a sequel, W.P.M.P.No.218 of 2016 filed by the petitioner, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Date: 18th December, 2017

msb