THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

WRIT PETITION NO.18062 OF 2017

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

The order under challenge in this Writ Petition is the assessment order passed by the Commercial Tax Officer, Tirupati dated 31.03.2017 levying tax of Rs.7,73,199/- on the petitioner. The petitioner claims to be the owner of the land, and to be engaged in the business of construction. They claim not to have registered themselves as a VAT dealer as they had merely executed a joint development agreement with the developer.

Though the dealer filed a reply to the show cause notice on 28.03.2016, the impugned order of suspension does not even deal with the contentions raised therein. The impugned order is bereft of reasons. While we were initially inclined to admit the Writ Petition and grant stay, Sri S.Suri Babu, learned Special Standing Counsel for Commercial Taxes, would submit that, instead, the assessing authority may be permitted to pass a reasoned order afresh.

We consider it appropriate, in such circumstances, to set aside the impugned order. Sri S.Suri Babu, learned Special Standing Counsel for Commercial Taxes, submits that the assessing authority would issue a show cause notice afresh, give the petitioner an opportunity of being heard and an oral hearing, and thereafter, pass an assessment order afresh in accordance with law. Needless to state that, on a show cause notice being issued, it is open to the petitioner to raise all such objections as are available to them in law.

The Writ Petition stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

27th June 2017
RRB