

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No. 7365 of 2017

ORDER: (*Per VRS,J*)

Aggrieved by the rejection of a stay petition pending disposal of a regular first appeal before the Appellate Deputy Commissioner (CT), the dealer under the Telangana Value Added Tax Act has come up with the present writ petition.

2. Heard Mr. B. Srinivas, learned counsel for the petitioner. Mr. J. Anil Kumar, learned special standing counsel for Commercial Taxes (Telangana), takes notice for the respondents.

3. The petitioner has already paid 12.5% of the disputed tax. The dispute is one with respect to the classification of goods. The petitioner appears to have relied upon a notification, which was eventually held by this Court to be not applicable.

4. In such circumstances, we are of the considered view that by directing the petitioner to pay some amount, he can be granted an interim stay.

5. In view of the above, the Writ Petition is disposed of, directing the petitioner to pay 20% of the disputed tax, in addition to 12.5% of the disputed tax already paid, on or before 31.03.2017. If such

payment is made, there will be an interim stay, pending disposal of the regular first appeal.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J.

2nd March, 2017
cbs





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