THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS. JUSTICE J. UMA DEVI

<u>WRIT PETITION No. 9680 of 2017</u>

<u>ORDER:</u> ***(Per VRS,J)***

Aggrieved by the refusal of the Joint Commissioner (CT) to grant a stay pending disposal of an appeal before the first appellate authority, the dealer under the Telangana Value Added Tax Act, 2005, has come up with the present writ petition.

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

3. It appears that the arguments in the appeal were already heard and orders reserved on 24.11.2016. Hence, any time, orders may be passed. In such circumstances, the refusal of the stay may not be in the interest of both parties.

4. Therefore, the Writ Petition is allowed, setting aside the impugned order and granting a stay up to the date of disposal of the appeal by the appellate authority. After the disposal of the appeal by the appellate authority, the demand will depend upon the outcome of the appeal. If the appeal ends in favour of the petitioner, it is needless to say that the demand will go. If the appeal is decided against the

petitioner, the petitioner shall have the statutory time limit for filing an appeal and seeking a stay.

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.

20th March, 2017

Note: Issue C.C. by 21.03.2017.
(b/o)
cbs

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AND

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Writ Petition No. 9680 of 2017
(allowed)

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