

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS. JUSTICE J. UMA DEVI

WRIT PETITION No. 3464 of 2017

ORDER: (*Per VRS,J*)

Aggrieved by the demand made by the 1st respondent for payment of 75% of the disputed tax, the petitioner has come up with the present writ petition.

2. Heard Mr. S. Dwarakanath, learned counsel for the petitioner. Mr. S. Suribabu, learned special standing counsel for Commercial Taxes (AP), takes notice for the respondents.

3. A statutory appeal is now pending before the Andhra Pradesh Value Added Tax Appellate Tribunal. The appeal was admittedly filed along with the proof of payment of 25% of the disputed tax. But, in the application for stay moved before the 1st respondent, he has directed the petitioner to deposit 75% of the disputed tax for the grant of stay, despite the fact that the issue is pending before the Tribunal.

4. Therefore, the Writ Petition is allowed and the demand made by the 1st respondent is set aside. There will be an interim stay of recovery, pending disposal of the regular appeal in T.A.No.99 of 2016 by the AP VAT Appellate Tribunal.

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

V. RAMASUBRAMANIAN, J

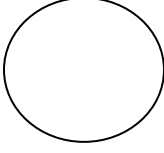
J. UMA DEVI, J.

1st February, 2017

Note: Issue C.C. by 02.02.2017.

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