

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

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19543 OF 2017

DATED 06TH NOVEMBER, 2017

Between:

M/s. Hindustan Ispat Private Limited,
179, 8/2/697/B, Road No. 12,
Banjara Hills, Hyderabad,
Rep. by its Managing Director
Sri B.S.V.S.Dharmavathar ... Petitioner

AND

The Commercial Tax Officer,
Jubilee Hills Circle,
Hyderabad, and others ... Respondents

Counsel for the petitioner : Sri Bhaskar Reddy Vemireddy

Counsel for the respondents : Sri M.Govind Reddy

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Writ Petition is filed for a *mandamus* to set aside order dated 31-03-2015 in Form VAT 203 for the assessment years 2012-13 and 2013-14 of respondent No. 1.

2. At the hearing, Sri Vemireddy Bhaskar Reddy, learned counsel for the petitioner, submitted that consequent on the remand of the case by the Supreme Court to respondent No. 3 with respect to the assessment year issued in Form VAT 305, the said respondent issued proceedings *vide* VAT/04/2012 to 09/2013 dated 16-12-2016 revising the assessment of tax for the period from April, 2012 to September, 2013 and determining the tax liability at Rs.2,58,875/- and after giving credit to the tax paid, the balance tax payable was determined at Rs.1,54,975/-. Learned counsel for the petitioner submitted that the impugned order in the present Writ Petition pertains to imposition of penalty for non-payment of the tax originally determined and that since the said assessment order itself was revised and the tax liability was reduced only to Rs.2,58,875/-, the impugned penalty order imposing penalty on the tax originally assessed is not sustainable. Learned Special Standing Counsel for Commercial Taxes (T.S.) fairly conceded that once the tax is revised,

the liability to pay penalty on the tax originally assessed does not arise.

3. In the above facts and circumstances of the case, the impugned order is set aside. The Writ Petition is accordingly allowed.

4. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 23841 of 2015 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

CHALLA KODANDA RAM, J.

Date: 06-11-2017.

JSK

