HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT. JUSTICE T. RAJANI

WRIT PETITION No.21687 OF 2017

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The proceedings under challenge in this Writ Petition is the assessment order dated 31.05.2017 for the tax period April, 2013 to May, 2015. The petitioner, a registered dealer on the rolls of the 2nd respondent, carries on business in printing and sale of printed material. They claim to receive orders from Government organisations and private parties for supply of Bill Books, Souvenirs, Brochures etc. They also claim to undertake printing of Wedding Cards on the cards supplied by the customers, and to collect labour charges thereupon. While the petitioner claimed that these transactions were sales, the assessing authority treated them as a works contract, and subjected the petitioner to tax accordingly.

Sri G. Narendra Chetty, Learned Counsel for the petitioner, would submit that, even if the subject transactions are presumed to be works contracts, the petitioner is nonetheless entitled for deduction under Rule 17(1)(e) on verification of the books of accounts; even in the absence of books of account being produced, to the standard deduction prescribed under Rule 17(1)(g) of the A.P. VAT Rules; and the Assessing Authority had failed to give the petitioner the deduction they are entitled to either under Rule 17(1)(e) or Rule 17(1)(g) of the A.P. VAT Rules.

When the matter came up earlier last week, Sri S. Suri Babu, Learned Special Standing Counsel for Commercial Taxes, sought time to obtain instructions. Today, the Learned Standing Counsel submits that, instead of keeping the Writ Petition pending on the file of this Court, it would suffice if the assessing authority is permitted to pass a fresh assessment order. We consider it appropriate, therefore, to set aside the impugned assessment order. The Assessing Authority shall, after affording the petitioner an opportunity of a personal hearing, pass a fresh assessment order in accordance with law at the earliest, and in any event within one month from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

T. RAJANI, J

Date: 11.07.2017.
MRKR