

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

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.11852 of 2011

Date: 12.12.2017

Between:

Kusalava International Limited,
having its registered office at
1-31, Advinekkalam,
Agiripalli mandalam, Nuziveedu road,
Krishna district – 521212
rep. by its Finance Director and authorized Signatory
Potluri Venkataratnam, S/o.Ramachandra Rao,
Aged:57 years, R/o.Vijayawada ... Petitioner

And

The Commercial Tax Officer,
Gudivada Circle, Krishna district
and two others. ... Respondents

Counsel for the Petitioner : Mr.Ch.Pushyam Kiran

Counsel for the Respondents : Mr. S.Suri Babu,
Special Standing Counsel for
Commercial Tax (AP)

The Court made the following:

Order : (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition was originally filed for the following substantial relief:

“For the aforesaid reasons, it is humbly prayed that this Hon'ble Court may be pleased to issue a writ, direction or order especially in the nature of a writ of mandamus, directing the 1st respondent to forthwith issue refund in the sum of Rs.50 lakhs being the Input Tax Credit in excess of tax payable, to which the writ petitioner is entitled to as determined by the 1st respondent in Form VAT 305 dated 10.12.2009 along with interest in accordance with law, without being influenced by proceedings initiated by respondent Nos. 2 and 3 and pass such other order(s) as this Hon'ble Court deems fit and proper in the circumstances of the case”.

2. Later on, the petitioner sought amendment of the prayer in the writ petition as under:

“For the aforesaid reasons, it is humbly prayed that this Hon'ble Court may be pleased to issue a writ, direction or order especially in the nature of a writ of mandamus, directing that the purported adjustment of refund against demand for Assessment Year 2004-05 by orders dated 23.06.2010 (APGST) and 07.01.2010 (CST), along with interest as per the provisions of A.P.VAT and Rules, 2005, as illegal, arbitrary and violative of the Act and Rules and pass such other order(s) as this Hon'ble Court deems fit and proper in the circumstances of the case”.

3. Mr.Ch.Pushyam Kiran, addressed letter dated 04.12.2017, to the Registrar (Judicial), wherein he has requested for posting of the case for withdrawal.

4. At the hearing, Ms.K.Prabhavathi, representing Mr.Ch.Pushyam Kiran, requested for permission to withdraw the writ petition.

5. The writ petition is, accordingly, dismissed as withdrawn.
6. As a sequel, miscellaneous petitions, pending if any, shall stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 12th December, 2017

msb

