

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

AND

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

WRIT PETITION No.43033 of 2017

22.12.2017

Between:

M/s.Hyderabad Study Circle, Hyderabad

..Petitioner

and

Union of India,
represented by the Secretary to the Government of India,
Finance Department, New Delhi and others

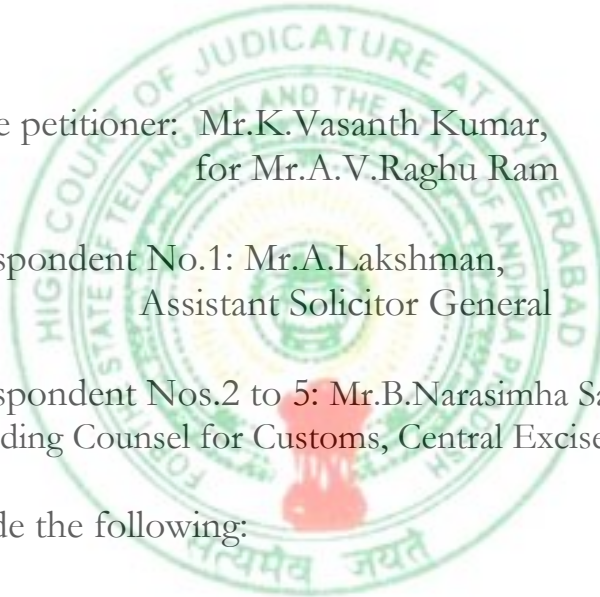
..Respondents

Counsel for the petitioner: Mr.K.Vasanth Kumar,
for Mr.A.V.Raghu Ram

Counsel for respondent No.1: Mr.A.Lakshman,
Assistant Solicitor General

Counsel for respondent Nos.2 to 5: Mr.B.Narasimha Sarma,
Standing Counsel for Customs, Central Excise and Service Tax

The Court made the following:

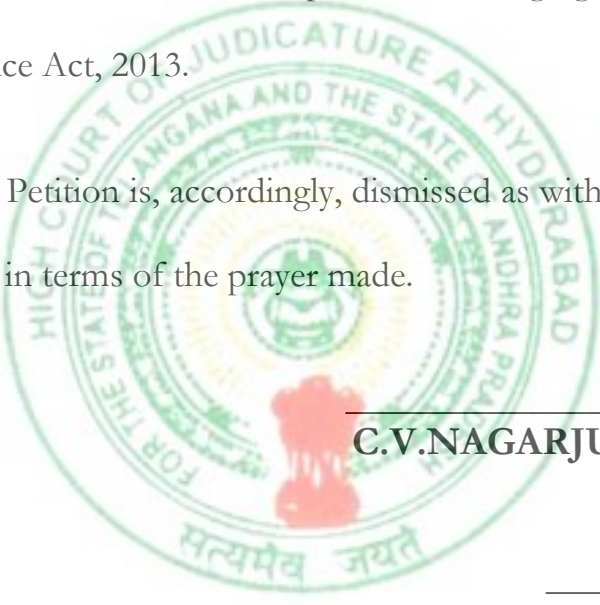


ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for a *mandamus* to declare the action of the respondents in refusing to refund the excess amount of Rs.4,35,178/- paid by the petitioner while paying the tax under the Voluntary Compliance Encouragement Scheme, 2013 as illegal and arbitrary.

2. After arguing the case, Mr.K.Vasanth Kumar, learned counsel representing Mr.A.V.Raghu Ram, learned counsel for the petitioner, has requested for permission of the Court to withdraw the writ petition with liberty to his client to file a fresh writ petition challenging the *vires* of Section 109 of the Finance Act, 2013.

3. This Writ Petition is, accordingly, dismissed as withdrawn with liberty to the petitioner in terms of the prayer made.



C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

22nd December, 2017
GHN