

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.No.39351 of 2017

Date: 24.11.2017

Between:

M/s.Plasti Lami Coats Pvt.Ltd.,
D.No.10-D, Himayatnagar, Hyderabad,
Rep. by its Proprietor
Sri A.Ram Mohan Rao,
S/o.Sri Aaho Bala Rao

...

Petitioner

And

The State of Telangana,
rep. by its Principal Secretary,
(Revenue), Secretariat,
Hyderabad and three others

...

Respondents

Counsel for the Petitioner

:

Mr. B.Srinivas.

Counsel for the Respondents

:

Mr.J.Anil Kumar,
Special Standing Counsel
for Commercial Tax (TS)

The Court made the following:

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

This writ petition is filed by the petitioner, aggrieved by rejection of stay of collection of penalty on disputed tax, pending appeal before the Telangana Value Added Tax Appellate Tribunal (for short 'the Tribunal'),

2. At the hearing, Mr.B.Srinivas, learned counsel for the petitioner, submitted that his client has already paid 50% of the penalty. As the very liability of the petitioner to pay the disputed tax and also the penalty, is the subject matter of appeals before the Tribunal, we are of the opinion that the petitioner is entitled to stay of payment of the balance penalty amount, pending disposal of the appeals before the Tribunal. Accordingly, the impugned order is set aside. The respondent No.4 is restrained from collecting the balance penalty amount, pending the appeals before the Tribunal.

3. The writ petition is accordingly allowed, to the extent indicated above. As a sequel, W.P.M.P.No.48813 of 2017 is disposed of.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 24th November, 2017

msb

