

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

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.37372 of 2017

Date: 17.11.2017

Between:

M/s. Superflex Leaf Springs (P) Ltd.,
Rep. by its Managing Director Smt.P.Suguna
R.S.No.79/2, Donka Road, Jupudi Village,
Ibrahimpattanam mandal, Krishna district ... Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue (CT) Department,
Secretariat, Amaravathi, Guntur district
and another ... Respondents

Counsel for the Petitioner : Mr. P.Balaji Varma

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

The Court made the following:

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

This writ petition is filed for the following substantial relief:

“to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in passing the penalty order A.O.No.22418 dated 26.05.2016, as illegal, arbitrary and without jurisdiction and consequently set aside the same.”

2. After arguing the case, Mr.Balaji Varma, learned counsel for the petitioner requested for permission to withdraw this writ petition, with liberty to his client to avail the remedy of further appeal before the Andhra Pradesh Value Added Tax Appellate Tribunal (for short 'the appellate Tribunal'). He has further submitted that as the petitioner was pursuing the remedy of writ petition, it could not avail the appeal before the expiry of the limitation. He therefore, requested for granting reasonable time to the petitioner to file the appeal.

3. In the facts and circumstances of the case and after hearing the learned Special Standing Counsel for Commercial Taxes (AP), the writ petition is dismissed as withdrawn, without adjudicating the same on merits, with liberty to the petitioner to avail the remedy of appeal within four weeks from today. If the appeal is filed within the above stipulated time, the appellate Tribunal shall entertain and adjudicate the same on merits.

4. As a sequel to the dismissal of the writ petition, W.P.M.P.No.46421 of 2017 filed by the petitioner for interim relief,

is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

(Challa Kodanda Ram, J)

Date: 17th November, 2017

msb

