

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

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 36709 OF 2017

DATED 06TH NOVEMBER, 2017

Between:

Micromax Informatics Limited,
Plot No. 263, Block 'C' 10, New Auto Nagar,
APIIC, Kanuru, Vijayawada, Krishna,
Andhra Pradesh – 520007,
Rep. by its Authorized Senior Manager,
Legal Mr. Mohd. Asad Shakeel Petitioner

AND

Appellate Joint Commissioner (State Tax),
Vijayawada (int) (ltu),
No. II Division, Vijayawada,
Andhra Pradesh, and others ... Respondents

Counsel for the petitioner : Sri Omar A. Pasha

Counsel for the respondents : Sri S.Suri Babu

THE COURT MADE THE FOLLOWING

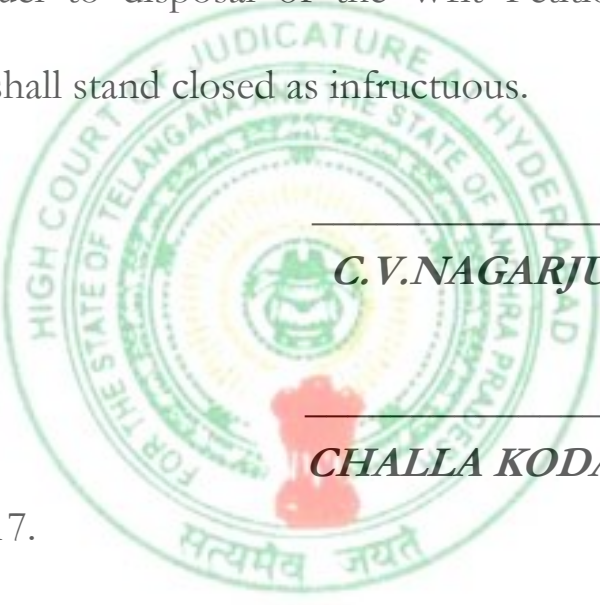
ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Feeling aggrieved by rejection of stay pending appeal before respondent No. 1, the appellant before the said respondent filed this Writ Petition.

2. The dispute pertains to demand for value added tax to the tune of Rs.6,02,54,545/-. At the hearing, Sri Omar A.Pasha, learned counsel for the petitioner, has placed before us order dated 27-06-2017 in W.P.No. 20136 of 2017 of a Division Bench of this Court, wherein a similar demand was challenged. This Court, while declining to entertain the Writ Petition for adjudication on merits, relegated the petitioner therein to the remedy of appeal before the Appellate Deputy Commissioner. While doing so, the Court directed the respondents not to take any coercive steps for recovery of the disputed tax pending the appeal on condition of the petitioner paying 25% of the tax demanded within six weeks. The Court further directed that the amount already paid by the petitioner shall be given credit to while computing the 25% of the tax payable by it. Sri S.Suri Babu, learned special standing counsel for Commercial Taxes (A.P.), fairly did not dispute the above facts.

3. In the light of the above, this Writ Petition is disposed of by directing the respondents not to take coercive steps for recovery of the disputed tax subject to the petitioner paying 25% of the tax demanded within six weeks from today. While computing the said amount, the amount, if any, already paid by the petitioner shall be given credit to towards the impugned demand.

4. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 45590 of 2017 shall stand closed as infructuous.



C.V.NAGARJUNA REDDY, J.

CHALLA KODANDA RAM, J.

Date: 06-11-2017.

JSK