

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.No.39998 of 2017

Date: 27.11.2017

Between:

M/s. V.B.Oil Mills Private Limited,
17-136, Alur Road, Adoni-518301,
Kurnool district, A.P.
rep. by its Managing Director
Vitta Surendra Babu

... Petitioner

And

The Commercial Tax Officer,
Circle-II, Adoni – 518 201,
Kurnool district, A.P. and another ... Respondents

Counsel for the Petitioner : Mr. G.Narendra Chetty

Counsel for the Respondents : Mr.Shaik Jeelani Basha,
Special Standing Counsel
for Commercial Tax (AP)

The Court made the following:

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

The writ petition is filed for the following substantial reliefs:

“to issue an appropriate Writ, Order or direction more particularly in the nature of MANDAMUS declaring the action of the 1st respondent in passing the impugned Order vide his A.O.No.85714, dated 20.10.2017, imposing interest of Rs.17,27,903/- on the alleged delay in payment of the deferment amount by the petitioner, by calculating the original due dates instead of the due dates as stipulated in the order of the Deputy Commissioner (CT), Kurnool, granting the facility of payment of the same in 12 monthly instalments, which the petitioner has paid within time, contrary to the remand directions of the Appellate Deputy Commissioner (CT), Kurnool, as without jurisdiction, without authority, arbitrary, capricious, illegal and unsustainable and consequently set aside the same and pass such other order or orders as may be deemed fit and proper in the circumstances of the case and in the interests of justice”.

2. After arguing the case, Mr.G.Narendra Chetty, learned counsel for the petitioner, requested for permission of the Court to withdraw the writ petition, with liberty to his client to avail the remedy of appeal under A.P. Value Added Tax Act.

3. The writ petition is accordingly, dismissed as withdrawn, with liberty to the petitioner in terms of the prayer made. As a sequel to dismissal of the writ petition, W.P.M.P.No.49598/2017 filed by the petitioner for interim relief is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 27th November, 2017

msb

