THE HON'BLE SRI JUSTICE A.V. SESHA SAI

WRIT PETITION No.16841 OF 2016

ORDER:

When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the order, dated 22-06-2018, of this court in W.P.No.5784 of 2011. A copy of the same is also placed on record. Operative portion of the said order reads as under:-

> "It is wholly unnecessary for this Court to examine the factual dispute whether or not the subject Fork lifts are motor vehicle, as these are all matters to be examined, in the first instance, by respondent No.2. Suffice it, therefore, to permit the petitioner to submit a representation to respondent No.2 furnishing details on the basis of which they claim that the subject Fork Lifts are not motor vehicles; and they are, therefore, not liable to pay life tax. If such a representation is submitted within two weeks from today, respondent No.2 shall consider the same in accordance with law, including the judgment of this Court in Khader Basha(1), and pass orders within four weeks thereafter. Till orders are passed by respondent No.2, the interim order granted earlier shall continue to remain in force. It is made clear that, in case the petitioner does not submit his representation, as afore-directed, it is open to the respondents to proceed and recover life tax, from the petitioner, relating the subject vehicles as motor vehicles. The Writ Petition is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand dismissed. However, in the circumstances, without costs."

Following the above said order, this writ petition is also disposed of in terms thereof. No order as to costs. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

A.V.SESHA SAI, J

05.07.2018

Note:-

Office to enclose a copy of the above said order along with this order.

(B/O)

TSNR