

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

*** HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN**

AND

***HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

+Writ Petition Nos.9573 and 9588 of 2018

% 20-03-2018

M/s. Harsha Automotives Private Limited, Madhapur,
Hyderabad, represented by its Group Chief Finance
Officer, K. Sanjeev Kumar

... Petitioner

Vs.

\$ Assistant Commissioner (CT) (LTU),
Punjagutta Division, Hyderabad and 3 others

... Respondents

! Counsel for the Petitioners : Mr. S. Krishna Murthy

Counsel for Respondents : Mr. T. Vinod Kumar, special
standing counsel

**HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

Writ Petition Nos.9573 and 9588 of 2018

ORDER: *(V. Ramasubramanian, J)*

The petitioners have come up with the above writ petitions challenging the rejection of their stay petitions by the Additional Commissioner, Commercial Taxes.

2. Heard Mr. S. Krishna Murthy, learned counsel for the petitioners. Mr. T. Vinod Kumar, learned special standing counsel takes notice for the respondents.

3. Admittedly, the petitioners have filed regular first appeals after depositing 12.5% of the disputed tax. The issue relating to warranty charges and handling charges is still hanging fire without being settled finally. Therefore, we are of the view that by directing the petitioners to make a deposit of 50% of the disputed tax less the amount of the disputed tax already deposited and by directing them to pay 25% of the penalty, a stay can be granted.

4. Therefore, both the writ petitions are disposed of granting stay pending disposal of the first appeals filed by the petitioners, on condition that the petitioners deposit 50% of the disputed tax less the amount of disputed tax already deposited, together with 25% of the penalty within a period of four (4) weeks from the date of receipt of a copy of this order. If the deposit is not made, the stay will stand automatically vacated.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

Date: 23-03-2018

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