

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.27241 OF 2017

ORDER: (per SK,J)

The prayer of the petitioner company in this case reads as under:

For the reasons stated in the affidavit filed in support of writ petition, it is prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus directing the Respondents to permit the Petitioner to utilize an amount of Rs.54,63,833/- (Rupees Fifty four lakhs sixty three thousands eight hundred and thirty three only) against the excise duty payable to the State of Telangana and Rs.8,48,463/- (Rupees Eight lakhs forty eight thousands four hundred and sixty three only) against the excise duty payable to the State of Andhra Pradesh along with interest @ 18% P.A. from 02.06.2014 and to pass such other order or orders as the Honble court may deem fit and proper in the circumstances of the case.'

The Commissioner of Prohibition and Excise, State of Telangana, Hyderabad, the second respondent, filed a counter affidavit, wherein he stated that the request made by the petitioner company was forwarded to the Government of Telangana and the same is pending consideration. He further stated that necessary action would be taken in accordance with the rules after obtaining suitable orders from the Government.

Learned Government Pleader attached to the office of the learned Advocate General, State of Telangana, would submit that the petitioner company's representation dated 16.09.2015 addressed to the Commissioner of Prohibition and Excise, State of Telangana, Hyderabad, is under consideration.

Ms.M.Kiranmayee, learned counsel for the petitioner, would state that it would suffice if a direction is given to the authorities to consider the

said representation in accordance with law and take suitable necessary action thereon within a time frame.

In that view of the matter, the writ petition is disposed of directing the authorities concerned, respondents 1 and 2 herein, to consider the petitioner company's representation dated 16.09.2015 on its own merits and in accordance with law within six weeks from the date of receipt a copy of this order. If necessary, the authorities may also offer an opportunity of hearing to the petitioner company before taking a reasoned decision in the matter and communicating it under acknowledgment.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:15.02.2018

GJ