HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.11051 of 2018

Order: (per V.Ramasubramanian, J.)

Aggrieved by the rejection of a petition for stay pending a regular appeal against an order of assessment, the dealer under the Telangana Value Added Tax Act, 2005, has come up with the above writ petition.

2. Heard Mr. S.Krishna Murthy, learned counsel for the petitioner. Mr. T.Vinod Kumar, learned Special Standing Counsel, takes notice for the respondents.

3. The petitioner has already paid 12.5% of the disputed tax, at the time of filing the first appeal. The only issue on which the petitioner is aggrieved relates to a restriction of the input tax. The impugned order shows that on this aspect there was no objection specifically raised by the petitioner. We do not know whether it is factually right or wrong and we would not go into the said question.

4. But considering the above, we are of the view that the petitioner can be directed to pay 37.5% of the disputed tax, as a condition for grant of stay pending disposal of the first appeal.

5. Hence, the writ petition is allowed, granting interim stay of recovery of the balance of disputed tax pending disposal of the first appeal, subject to the condition that the petitioner deposits 37.5% of the disputed tax within a period

of 4 (four) weeks from the date of receipt of a copy of this order. The garnishee notice already issued shall be put on hold to enable the petitioner to comply with the above condition. The applications, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

J.UMA DEVI, J.

04th April, 2018.
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HON’BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON’BLE Ms. JUSTICE J.UMA DEVI

Writ Petition No.11051 of 2018
(per VRS, J.)

04th April, 2018.
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