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

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

WRIT PETITION No.15697 OF 2018

Date:30.04.2018

Between:

M/s.Megha Engineering & Infrastructures Limited,
Old Pattabhipuram, Guntur, Rep. by is Vice President.

...Petitioner

Vs.

The Deputy Commissioner (ST) LTU, Guntur
Division, A.P. and others

.. Respondents

For Petitioners : Mr. Bhaskar Reddy Vemireddy

For Respondent : Mr.Shaik Jeelani Basha

Gist :

Head Note :

Cases Referred :

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS.JUSTICE J. UMA DEVI

WRIT PETITION No.15697 OF 2018

ORDER: *(per V. Ramasubramanian, J)*

Aggrieved by the rejection of a stay petition, pending disposal of a first appeal, the Dealer under the Andhra Pradesh Value Added Tax Act, 2005 has come up with the above writ petition.

2. Heard Mr.V.Bhaskar Reddy, learned counsel for the petitioner and Mr.Shaik Jeelani Basha, learned Special Standing Counsel for the respondents.

3. As against the order of assessment, dated 14.12.2017, the petitioner filed an appeal before the Appellate Deputy Commissioner after remitting 12.5% of the disputed tax. The appeal is pending. Pending the appeal, the petitioner sought stay, but the same was rejected by order dated 27.03.2018. Therefore, the petitioner is before this Court.

4. The main grievance of the petitioner is that the purport of G.O.Ms.No.11 Finance, dated 29.06.2005, has been wrongly applied to the petitioner, who holds contracts of EPC-Turnkey system. Even under G.O.Ms.No.11, the assesses get a benefit, since 5% is added first and then deducted.

5. In view of the above, the petitioner deserves a blanket stay pending disposal of the appeal.

6. Hence, the Writ Petition is disposed of directing the Appellate Deputy Commissioner to dispose of the appeal filed by the petitioner on 10.01.2018, within a period of eight (8) weeks from the date of receipt of a copy of this order, after giving an opportunity of personal hearing.

Till the disposal of the appeal, there will be an interim stay of collection of the balance of disputed tax.

7. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

April 30, 2018
KTL