

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.16716 OF 2018

Date:02.05.2018

Between:

M/ s.Insecticides India Limited,
Vijayawada, Rep. by its Senior Accounts Officer.

...Petitioner

Vs.

Commercial Tax Officer,
Nandigama Circle, Vijayawada and others

.. Respondents

For Petitioner : M/ s. S.Krishna Murthy

For Respondents : 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.16716 OF 2018

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the rejection of a stay petition pending disposal of a second appeal, the Dealer under the APVAT Act, 2005, has come up with the above writ petition.

2. Heard Mr.S.Krishna Murthy, learned counsel for the petitioner. Mr.Shaik Jeelani Basha, learned Special Standing Counsel takes notice for the respondents.

3. The petitioner has already paid 12.5%of the demand at the time of filing the first appeal. He has also paid 37.5%of the demand at the time of filing the second appeal. What is under challenge is only penalty. Therefore, the petitioner deserves absolute stay, pending disposal of the second appeal.

4. In view of the above, the writ petition is allowed, setting aside the impugned order and granting a stay of collection of balance of penalty, pending disposal of the second appeal.

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

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

May 02, 2018
KTL