THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.35286 OF 2018

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

While Ms. Shaik Waheeda Sushma, learned counsel for the petitioner, would submit, placing reliance on a Division Bench judgment of this Court in W.P.No.1261 of 2018 dated 22.01.2018, that the fourteen-year period, after which the deferment amount should be paid, is only at the end of the financial year and not at the beginning of the financial year, Sri T.Vinod Kumar, learned Special Standing Counsel for Commercial Taxes, would submit that, since the Division Bench judgment was not noticed by the assessing authority, this Court may set aside the impugned order levying penal interest, and remand the matter to the assessing authority for his consideration afresh and in accordance with law.

Ms. Shaik Waheeda Sushma, learned counsel for the petitioner, readily agrees for such an order to be passed.

We consider it appropriate, therefore, to set aside the impugned order levying penal interest, and direct the assessing authority to pass an order afresh and in accordance with law, taking into consideration the Division Bench judgment of this Court in W.P.No.1261 of 2018 dated 22.01.2018.

The Writ Petition stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

11th October 2018
RRB