

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

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition No.39267 of 2018

01-11-2018

Between:

M/s. FITNESS Vision, Shop No.66 & 113,
Swarnalok Complex, Eluru Road, Governorpet,
Vijayawada, represented by its Proprietor,
Pawan Kumar Sharma

... Petitioner

Vs.

And:

The State of Andhra Pradesh, represented by its
Principal Secretary, Revenue (CT) Department,
Secretariat, Amaravathi, Guntur District A.P.
and 3 others

... Respondents

Counsel for the Petitioner : Mr. K. Raji Reddy

Counsel for Respondents : Mr. S. Suribabu, Spl. G.P. for CT

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition No.39267 of 2018

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

Aggrieved by the rejection of a stay application by the 4th respondent during the pendency of an appeal before the 3rd respondent, the dealer has come up with the above writ petition.

2. Heard Mr. K. Raji Reddy, learned counsel for the petitioner. Mr. S. Suribabu, learned standing counsel takes notice for the respondents.

3. Admittedly, a statutory appeal is pending before the 3rd respondent. The 4th respondent rejected the stay application, despite the fact that the dispute before the Appellate Authority revolves around a particular entry in the IV Schedule to the APVAT Act, relating to sports goods.

4. Therefore, following similar orders passed in W.P.No.21565 and W.P.No.21411 of 2017, this writ petition is also disposed of directing the respondents not to take any coercive steps for recovery of disputed tax, subject to condition that the petitioner deposits 50% of the disputed tax within eight (8) weeks from today. The petitioner shall be given credit for the amount already paid in this regard. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 01-11-2018

Ksn

