

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

* HONOURABLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HONOURABLE SRI JUSTICE P. KESHA RAO

+ W.P.Nos.47418 & 47486 of 2018

% Date: 31-12-2018

W.P.No.47418/ 2018

Between:

M/s. Hindustan Coca Cola Beverages Private Limited,
44-69, Moula Ali, Hyderabad,
Rep. by its Authorised Signatory, and
Zonal Tax Manager, V. Srinivas Rao.

.... Petitioner

And

1. The Assistant Commissioner (CT), LTU Saroornagar Division, Hyderabad.
2. The Appellate Joint Commissioner (ST), Hyderabad Rural Division, Hyderabad.
3. The Addl. Commissioner (ST) Legal, Hyderabad, Telangana.
4. State of Telangana, rep. by its Principal Secretary to Government, Revenue (CT-II) Department, Secretariat, Hyderabad.

... Respondents

! Counsel for the Petitioner : Mr. K. Raji Reddy

^ Counsel for Respondents : Mr. J. Anil Kumar, Spl. S.C.

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> HEAD NOTE:

? Cases referred

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
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COMMON ORDER: (Per VRS,J)

These writ petitions challenge the dismissal of stay petitions pending disposal of the first appeal arising out of the Telangana Entry of Goods into Local Areas Act, 2001.

2. Heard Mr. K. Raji Reddy, learned Counsel for the petitioner and Mr. J. Anil Kumar and Mr.T. Vinod Kumar, learned Special Standing Counsel, takes notice for the respondents.

3. At the time of filing of the first appeal, the petitioner had paid 12.5% of the disputed tax. Therefore, we are of the view that the petitioner can be granted stay subject to the imposition of a condition. This is in view of the fact that a batch of writ petitions challenging the *vires* of the Act are pending on the file of this Court.

4. Therefore, the writ petitions are disposed of granting interim stay of collection of the balance tax during the pendency of the appeal subject to the condition that the petitioner deposits 12.5% of the demand (in addition to the 12.5% already deposited) within a period of six (6) weeks from the date of receipt of a copy of this order. There will be no order as to costs.

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

V. RAMASUBRAMANIAN, J.

P. KESHAHA RAO, J.

31st December, 2018
Js.

HONOURABLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
HONOURABLE SRI JUSTICE P. KESHA RAO

W.P.Nos.47418 & 47486 of 2018



31st December, 2018

Js.