

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.44914 of 2017

02.01.2018

Between:

M.Sri Rama Durga Prasad, Guntur

..Petitioner

and

State of Andhra Pradesh,
represented by its Commissioner,
Commercial Tax Department, Vijayawada and others

..Respondents

Counsel for the petitioner: Mrs.S.Pranathi

Counsel for the respondents: Mr.Shaik Jeelani Basha,
special standing counsel for Commercial Taxes (A.P.)

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for a *mandamus* to set aside notice, dated 16.10.2017, issued by respondent No.3 demanding payment of Rs.4,72,850/- towards arrears of tax, as the same is contrary to order, dated 17.09.2017, of respondent No.2.

2. At the hearing, Mr.Shaik Jeelani Basha, learned special standing counsel for Commercial Taxes (A.P.) appearing for the respondents, has submitted that though the impugned notice was issued subsequent to the order passed by respondent No.2 setting aside the assessment order and remanding the case to respondent No.4 for passing a fresh order after hearing the petitioner, the fact is that as the order of respondent No.2 was not received by respondent No.3 before issue of the impugned notice, it was issued and that respondent No.3 is not proposing to take any further action in pursuance of the impugned notice before passing a fresh order by respondent No.4 as directed by respondent No.2.

3. The above submissions of the learned special standing counsel are placed on record and the Writ Petition is, accordingly, disposed of.

4. As a sequel to disposal of the Writ Petition, I.A.Nos.1 and 2 of 2017 filed by the petitioner for interim reliefs stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

02nd January, 2018
GHN