

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

AND

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

W.P.No.45045 of 2017

Date: 02.01.2018

Between:

M/s.Ultra Tech. Cements Ltd.,
rep. by its Senior Vice President Mr.Vivek Mathur,
Bhogasamudram village, Tadipatri mandal,
Ananthapur district. Petitioner

And

The Assistant Commercial Tax Officer-I,
Tadipatri Circle, Ananthapur Division,
Ananthapur and five others ... Respondents

Counsel for the Petitioner : Mr. Bhaskar Reddy
Vemireddy.

Counsel for the Respondents : Mr. S.Suri Babu,
Special Standing Counsel
for Commercial Tax(AP)

The Court made the following:

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

Feeling aggrieved by rejection of stay of recovery of penalty, pending appeal before respondent No.2, the appellant before the said respondent, has filed this writ petition.

2. At the hearing, Mr.Bhaskar Reddy Vemireddy, the learned counsel for the petitioner, submitted that his client has already made a pre-deposit of 12.5% of the disputed penalty.

3. After hearing Mr.S.Suri Babu, learned Special Standing Counsel for Commercial Taxes and having regard to the facts and circumstances of the case, we are of the opinion that interests of justice would be balanced, if the penalty amount is not recovered, pending his appeal before respondent No.2, subject to the condition of the petitioner depositing another 12.5% of the penalty amount, within two weeks from the date of receipt of this order. It is further made clear that payment of the penalty amount, shall be subject to the result of the appeal and the further remedies that may be availed by the petitioner.

4. Writ petition is accordingly disposed of.

5. As a sequel, I.A.No.1 of 2017 filed by the petitioner, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Date: 2nd January, 2018

msb

