

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.11138 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Transport.

2. Petitioner claims to have purchased SKODA Car (Rapid Style MT 1.5 TDI CR model) from Mahavir Auto on 28.5.2019 for an invoice amount of Rs.9,99,599/-. The ex-showroom price of the vehicle is Rs.12,73,599/-. At the time of purchase, petitioner paid a sum of Rs.96,513/- towards tax and the vehicle was given Temporary Registration No.TS 09 CJTR 3660. When petitioner approached the respondents to register his vehicle permanently, she was asked to pay an additional amount of Rs.58,344/- towards life tax holding that petitioner paid less amount than the tax payable on ex Showroom price of the vehicle. According to petitioner life tax is payable on the invoice but not on the ex Showroom price and therefore petitioner is not required to pay the additional tax demanded.

3. In support of the claim that petitioner is not required to pay additional amount demanded by the respondents, he placed reliance on the decision in W.P.No.5286 of 2018 which was upheld by the Division Bench in W.A.No.805 of 2018.

4. Learned Single Judge of this Court held that the State cannot be allowed to levy life tax on the ex-showroom price shown in the price list, when it is not the actual cost of the vehicle and the life tax has to be levied on the actual cost of the vehicle as paid by the purchaser of the vehicle which can be reflected from the invoice. This view of learned Single Judge was upheld by the Division Bench of this Court.

5. Learned Government Pleader does not dispute the fact that the issue is covered by the decision referred to above.

6. Following the earlier decision in W.P.No.5286 of 2018 dated 02.05.2018, this Writ Petition is also allowed directing the respondents to register the SKODA Car (Rapid Style MT 1.5 TDI CR model), without demanding additional life tax, if the life tax already paid based on the invoice dated 28.5.2019 is as per the provisions of the Motor Vehicles Act and the vehicle is fulfilling all other parameters for registration. The miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 10.6.2019
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P. NAVEEN RAO, J



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