

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

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THE HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION Nos.11432 and 11437 of 2019

COMMON ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioner, who is a dealer under the Telangana VAT Act, 2005, has come up with the above writ petitions challenging the orders of rejection of petitions for stay pending disposal of the regular first appeals before the Telangana VAT Appellate Tribunal.

2. Heard Mr. B. Srinivas, learned counsel for the petitioner and Mr. T. Vinod Kumar, learned special standing counsel, appearing for the respondents.

3. What are pending before the tribunal are two first appeals. At the time of filing the first appeals, the petitioner has already paid 25% of the disputed tax. Therefore, we are of the view that asking the petitioner to pay an additional 25% and granting stay, will put the parties on a scale.

Therefore, the writ petitions are allowed, the impugned orders are set aside and the petitioner is granted interim stay of collection of the balance of the disputed tax, pending disposal of the first appeals pending before the tribunal, subject to the condition that the petitioner deposits 25% of the disputed tax (apart from what is already deposited) within a period of four (4) weeks. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

P. KESHAVA RAO, J

June 14, 2019/DSK