

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12102 OF 2019

DATED :19.06.2019

Between :

Kiara Foods India Pvt Ltd

Having its office at Plot No 84 H No 8-3-229D 1-42

Sri Gouri Avenue Sravanthi Nagar

Road No 10 Jubilee Hills

Hyderabad Rep by its Managing Director Mr Sharath Chandra Reddy Gattu S/o

Yugender Reddy Aged 31 years Occ Business

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Petitioner

And

The State of Telangana

Rep by its Secretary Transport Department

Secretariat Building Hyderabad & others.

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Respondents

This court made the following :

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ORDER :

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

2. Petitioner claims to have purchased BMW X5 30d DPE-5 motor car from M/s. Bird Automotive Private Limited, Gurgaon, Haryana for an invoice of Rs.56,05,500/- vide invoice No. VSIPO180516 dated 30.3.2019 and obtained temporary registration number as HR/26/TMP/2019/3460D. The temporary certificate of registration dated 24.4.2019 indicates that vehicle shall be permanently registered at RTA-Hyderabad-CZ. Petitioner alleges that when he approached the respondents to register his vehicle permanently, he was asked to pay excess amount of Rs.2,24,830/- towards life tax based 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. The respondents are directed to register BMW X5 30d DPE-5 motor car purchased from M/s. Bird Automotive Private Limited, Gurgaon, Haryana for the price of Rs.56,05,500/- vide invoice No. VSIPO180516 dated 30.3.2019 with temporary registration number HR/26/TMP/2019/3460D, without demanding additional life tax on ex-show room price, subject to payment of life tax based on the invoice price of the vehicle as per invoice dated 30.3.2019 and if the vehicle is fulfilling all other parameters for registration as per the provisions of the Motor Vehicles Act. Further as vehicle was purchased outside the State and registration is sought in Telangana State, petitioner shall also submit all the documents required for registration of vehicle purchased outside the state of Telangana. Pending miscellaneous petitions, if any, shall stand closed.

19th June, 2019
TvK

P.NAVEEN RAO,J

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