

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13166 OF 2019

DATED :01.07.2019

Between :

Kayoma India Pvt. Ltd.,
(Formerly Kayoma Trading Private Limited),
Having its office at #203, 2nd floor,
Ashoka Capital, Road No.2, Banjara Hills,
Hyderabad, rep., by its Managing Director,
M. Rajiv.

..

Petitioner

And

State of Telangana,
Rep., by its Principal Secretary,
Transport Department,
Secretariat, 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 a Volvo XC90 D5 GVW2750 BSIV from Talwar Cars Private Limited on 07.09.2017. Based on the tax invoice, he paid Rs.11,10,900/- towards life tax. When he presented the vehicle for registration with Registration No.TS 09 FC 1144, he was asked to pay additional amount of Rs.80,000/-. Under compulsion, he paid the said amount for registration of the said vehicle. This Writ Petition is filed praying to refund the excess amount collected based on the Ex-showroom price.

3. Learned counsel for petitioner places reliance on the decision of learned single Judge of this Court in W.P.No.5286 of 2018, which was affirmed by the Division Bench in W.A.No.805 of 2018 holding that life tax cannot be collected based on the ex-showroom price shown in the price list, when it is not the actual cost of the vehicle, evidencing from invoice issued by the vendor and declared the action of respondents demanding higher life tax as illegal.

4. Following the said decision, learned single Judge of this Court in W.P.No.1803 of 2018 and batch, allowed the Writ Petitions, directing the respondent authorities to refund the

excess life tax amount paid by the individuals based on the ex-showroom price.

5. Learned counsel for petitioner as well as learned Government Pleader fairly submit that the subject matter of this Writ Petition is covered by the decision of learned single Judge of this Court in W.P.No.1803 of 2018 and batch.

6. Following the said decision, this Writ Petition is also allowed, directing the respondent authorities to refund the excess life tax amount collected from the petitioner as per the ex-showroom price, within a period of four weeks from the date of receipt of copy of this order. Pending miscellaneous petitions, if any, shall stand closed.

1st July, 2019
Rds

P.NAVEEN RAO,J