THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.19063 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

2. This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

> "For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in demanding excess amount of Rs. 1,54,000/- as life tax in excess of invoice value without considering the discounted purchase towards life tax for registering the vehicle BMW Car - Chassis No. WBAJC3704KWA 12672 - Engine No. 0108Y210 – Temp. Reg. No. WB/7/TMP/2019/1226 purchased by the petitioner as being illegal, arbitrary, violative of principles of natural justice, contrary to Circular Memo No. 13/4515/R1/2008 dt. 30.8.2008 and also against the judgments rendered by this Hon'ble Court in W.P. No.5218 of 2018, 28612/2018 and 45131/2018 as well as the judgment in WA No. 805 of 2018 and violative of Art. 14 of the Constitution of India and consequently direct the respondents to complete the process of registration of the above said vehicle without demanding the excess tax pass such other order or orders may deem fit and proper in the circumstances of the case."

3. Heard Sri M.Karuna Sagar, Counsel for the petitioner and the Government Pleader for Transport appearing for the respondents.

4. The case of the petitioner is that the petitioner has purchased a BMW Car, which is an old motor vehicle i.e., car, from M/s. OSL Prestige Pvt. Ltd., *vide* sales invoice, dated 21.08.2019. Originally the ex-show room retail price was fixed at Rs.58,50,000/- and after discount, the invoice was raised at Rs.47,50,000/-, for which tax @ 14% on the said vehicle as per the Motor Vehicles Act and Rules comes to Rs.6,65,000/-. According to the petitioner, the said tax amount was duly paid and it is reliably learnt by the petitioner upon instructions that when the registration of the said vehicle is sought from the respondent authorities, they are insisting to pay additional tax of Rs.1,54,000/- holding that the vehicle is taxable on original ex-showroom retail price of Rs.58,50,000/-, which is illegal and arbitrary and contrary to the demand payment on ex-showroom price as indicated in the Circular Memo No.13/4515/R1/2008, dated 30.08.2008.

5. Having regard to the facts and circumstances of the case, this Court is of the opinion that since the vehicle is purchased by the petitioner for an amount of Rs.47,50,000/-, it is just and proper that the respondent authorities should collect the tax on the said amount.

6. In the result, the Writ Petition is disposed of directing the respondent authorities to collect the tax from the petitioner on the purchased amount of Rs.47,50,000/- only and not on the

ex-showroom retail price of Rs.58,50,000/-. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 3rd September, 2019

KL