THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No. 22192 of 2019

Date: 29.10.2019

Between :

JB Infra Projects, rep. by
Pratap Reddy Soskondla

Petitioner

And

State of Telangana, rep. by its
Principal Secretary, Transport Department,
Secretariat Building, Hyderabad & others.

Respondents

This court made the following :

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ORDER :

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

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2. Petitioner claims to have purchased Jaguar Car (Jaguar F-Pace2.0L14D132KWDAWD5DAUTO Prestige BSIV Diesel - Chasis No.SADCA2AN4KL9929081218 – Engine No.181127P0004204DTD) from Sree Krishna Automotives Hyderabad Pvt. Ltd., Hyderabad, for an invoice price of Rs.53,38,780/-. At the time of purchase, petitioner claims to have paid life tax of Rs.7,92,565/- and petitioner was given temporary registration number as TS09 CNTR 6914. When the petitioner approached the respondents to register his vehicle permanently, petitioner was asked to deposit an additional amount 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 additional tax as demanded.

3. In support of the claim that petitioner is not required to pay additional amount demanded by the respondents, learned counsel for petitioner 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 Jaguar Car (Jaguar F-Pace2.0L14D132KWDAWD5DAUTO Prestige BSIV Diesel - Chasis No.SADCA2AN4KL9929081218 – Engine No.181127P0004204DTD) purchased from Sree Krishna Automotives Hyderabad Pvt. Ltd., Hyderabad with temporary registration number as TS09 CNTR 6914, without demanding additional life tax, if the life tax already paid based on the invoice dated 31.8.2019 is as per the provisions of the Motor Vehicles Act and the vehicle is fulfilling all other parameters for registration. Since the sale invoice is dated 31.8.2019 and the vehicle was not registered within 30 days from the date of temporary registration, petitioner may have to pay the penal charges for the delay in registration of the vehicle as levied and determined by the respondent authorities when the vehicle is presented for permanent registration. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 29.10.2019
DA

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