

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23264 OF 2019

Dated:25.10.2019

Between:

M/s. Bijay Automobiles, rep., by its
Proprietor, Bijay Kumar Senapati,
S/o. Bishnu Mohan Senapati, aged about
58 years, R/o.1-10-68/D/A&D/1,302,
Legend Lachalet, Prakashnagar, Secunderabad .. Petitioner

And

State of Telangana, rep., by its
Principal Secretary, Transport Department,
Secretariat, Hyderabad and others .. Respondents



This Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23264 OF 2019

ORDER:

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

2. Petitioner claims to have purchased Mercedes Benz – Chassis No.WDC 1569086L0115010219 – Engine No.65193034930102 for an invoice of Rs.28,81,984/-. At the time of purchase, petitioner claims to have paid life tax of Rs.4,03,480/- and was given temporary registration number as TS 09 CRTR 1268. Subsequently, when the petitioner approached the respondents to register the vehicle permanently, it was asked to deposit excess amount of Rs.95,483/- on ex-showroom price 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 the additional tax demanded.

3. In support of the claim that petitioner is not required to pay additional amount demanded by the respondents, learned counsel placed reliance on the decision in W.P.No.5286 of 2018, dated 02.05.2018, which was upheld by the Division Bench in W.A.No.805 of 2018, dated 29.01.2019.

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 Mercedes Benz – Chassis No.WDC 1569086L0115010219 – Engine No.65193034930102 of the petitioner without demanding additional life tax, if the life tax already paid based on the invoice dated 21.10.2019 is as per the provisions of the Motor Vehicles Act and the vehicle is fulfilling all other parameters for registration. Pending miscellaneous petitions, if any, shall stand closed.

Date:25.10.2019

KH

P.NAVEEN RAO, J