

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24963 OF 2019

Date: 14.11.2019

Between:

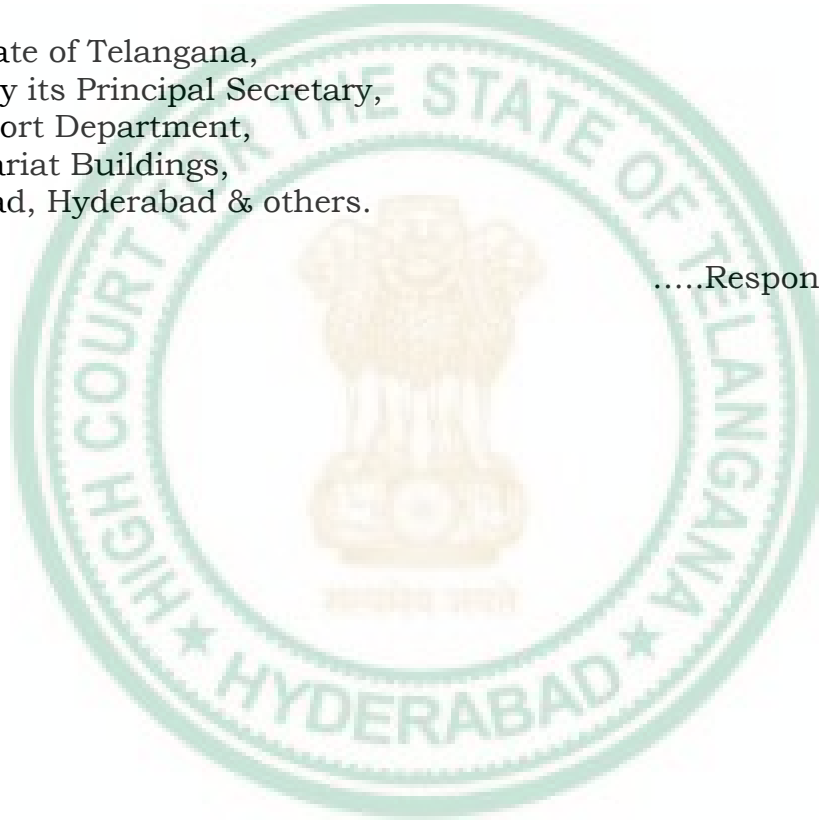
Gowthami Bio Energies Ltd.,
Rep., by Satyasri Mallina,
D/o.Bapineedu Chitturi, Aged about 55 yrs,
R/o.H.No.2-3-42/52, 4th floor,
Maitri Arcade, MG Road, Secunderabad,
Hyderabad.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Transport Department,
Secretariat Buildings,
Saifabad, Hyderabad & others.

.....Respondents



The 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 Volvo XC60 D4 with BSIV Model from M/s.Kifs Motors Ltd., Navi Mumbai, Maharashtra, for an invoice of Rs.52,90,000/- vide invoice No.KIFSPL/10-19/013 dated 11.10.2019 and obtained temporary registration number as MH/2/TMP/2019/4739. The temporary certificate of registration dated 11.10.2019 indicates that vehicle shall be permanently registered at RTA-Hyderabad-NZ, Telangana (office Code-TS10). Petitioner alleges that when she approached the respondents to register her vehicle permanently, she was asked to pay excess amount 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, she 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 Volvo XC60 D4 with BSIV Model purchased from M/s.Kifs Motors Ltd., Navi Mumbai, Maharashtra, for an invoice of Rs.52,90,000/- vide invoice No.KIFSPL/10-19/013 dated 11.10.2019 with temporary registration number MH/2/TMP/2019/4739, 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 11.10.2019 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 out side the state of Telangana. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

14th November, 2019
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