HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25383 OF 2019

DATE : 19.11.2019

Between :

M/s. Vera IT Solutions Pvt.Ltd., rep.by its Director, Polsani Sravanthi, w/o. Verabelli Raghunath Rao, Aged about 40 years, r/o.Villa No.143, Near Gundla Pochampalli, medchal, Kompally, R.R. District.

..... Petitioner

and

The State of Telangana, rep.by its Prl.Secretary, Transport Department, Secretariat, Hyderabad and others.

.... Respondents

This Court made the following :

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ORDER :

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

2. Petitioner claims to have purchased a Motor Car, i.e., Mercedes Benz from M/s. Raam Autobahn India Pvt.Ltd., Hyderabad, for an invoice of 47,51,097/-. At the time of purchase, petitioner claims to have paid life tax of 6,65,160/- and she was given temporary registration number as TS-09-CSTR-0910. When petitioner approached the respondents to register her vehicle permanently, she 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 the additional tax demanded.

3. In support of the claim that petitioner is not required to pay additional amount demanded by the respondents, he 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 Motor Car, i.e., Mercedes Benz, with temporary registration number as TS-09-CSTR-0910, without demanding additional life tax, if the life tax already paid based on the invoice dated 05.11.2019 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.

JUSTICE P.NAVEEN RAO

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