THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOs.26748, 26766, 26807 & 26833 OF 2019

Date: 04.12.2019

W.P.No.26748 of 2019:

Between:

M/s.A S Iron & Steels India Pvt. Ltd.,
Rep., by its Director, Anand Kumar Agarwal,
S/o.Kedarnathji Agarwal,
Aged about 47 yrs, R/o.5-2-282, Shop No.3,
Hyderbasti, Ranigunj, Secunderabad.

.....Petitioner

And

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

.....Respondents

The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

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COMMON ORDER:

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

2. These writ petitions are filed contending that even though life tax is paid based on the invoice price of the vehicles, the registering authority is insisting for payment of life tax based on the ex-showroom price. Several such writ petitions were filed making the same allegation and following the decision of learned Single Judge in W.P.No.5286 of 2018, upheld by the Division Bench in W.A.No.805 of 2018, the writ petitions were disposed of directing the registering authority to register the vehicles subject to payment of life tax on the invoice price and not to insist higher life tax based on the ex-showroom price. These writ petitions are also filed ventilating the same grievance.

3. When the matters are taken up, learned Government Pleader produced Circular Memo No.2045/S/2016 dated 03.12.2019 issued by the Transport Commissioner, Telangana, Hyderabad, directing all the registering authorities in the State to instruct the dealers in their jurisdiction that the life tax for the new vehicles be collected upon the sale based on the net invoice price.

4. In view thereof, the registering authorities cannot now insist the owners of vehicles, when the vehicles are presented for registration to pay the life tax on the ex-showroom price, but to register the same based on the invoice price.

5. The Transport Commissioner is also directed to ensure that the registering authorities shall comply the judgment rendered by this Court in W.P.No.5286 of 2018 upheld by the Division Bench in W.A.No.805 of 2018. He is further directed to ensure that if any registering authority insists for payment of life tax on the ex-showroom price, should be viewed seriously, hereinafter and action taken against them.

6. The Writ Petitions are accordingly allowed directing the registering authority to comply with the Circular Memo of the Transport Commissioner dated 03.12.2019 and to register the vehicles without insisting for payment of life tax on ex-showroom price, but based on the invoice price, if the tax already paid satisfies the tax payable and the vehicle fulfils all other parameters for registration. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

4th December, 2019
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