

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

and

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

Writ Petition No.1650 of 2020

ORDER : (per Hon'ble M.S. Ramachandra Rao)

Heard the counsel for petitioner, and Sri J. Anil Kumar, Special Counsel for Commercial Taxes, for respondents.

2. The petitioner has assailed in this Writ Petition order dt.29.04.2016 of the 5th respondent in Form VAT – 305 in J.C. Order No.57/2016 rejecting petitioner's application for grant of stay, pending disposal of petitioner's appeal before the Telangana VAT Appellate Tribunal (T.A.No.147 of 2016).

3. It is not in dispute that petitioner had already paid 75% of the disputed tax pending the appeal and it is most unfortunate that the Tribunal has not been able to decide the Appeal though more than three years have elapsed.

4. If the respondents are allowed to recover the entire disputed tax pending the appeal, the appeal itself would be rendered infructuous.

5. In these circumstances, we are inclined to stay the recovery of the balance 30% of the disputed tax payable by the petitioner, pending disposal of the T.A.No.147 of 2016 by the Telangana VAT Appellate Tribunal, Hyderabad, and we also request the Tribunal to expeditiously decide the said Appeal.

6. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

JUSTICE T. AMARNATH GOUD

Date: 28.01.2020

Ndr/*

