THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

and

THE HONOURABLE SRI JUSTICE T. AMARNATH GOUD

<u>Writ Petition No.3987 of 2020</u>

<u>ORDER</u> : (*per Hon'ble M.S. Ramachandra Rao*)

Heard the counsel for petitioner and Sri M. Govind Reddy, learned Special Counsel for Commercial Taxes, for respondents.

2. The petitioner has filed the Writ Petition challenging the Assessment Order No.7304 dt.31.01.2020 issued by 2nd respondent confirming demand of Rs.1.25 crores under the Telangana VAT Act, 2005 pursuant to a revised show-cause notice dt.21.01.2020, issued to petitioner by 2nd respondent.

3. Admittedly, the petitioner gave a request seeking time of ten days to file the requisite material before the 2nd respondent. But the 2nd respondent granted only five days time.

4. Though the petitioner had filed certificate invoice wise sales register obtained from M/s.Ultra Tech Cement Ltd for 2015-16, 2016-17 and 2017-18 (April, May and June), on the pretext that the petitioner did not file original purchase invoices, the said material was ignored by the 2nd respondent.

5. If the 2nd respondent wanted the petitioner to produce the original purchase invoices he ought to have asked the petitioner to produce the same and ought to have given time to petitioner to produce the same particularly when he has time to make a revised

Assessment in the year 2020 on turnovers of the year 2015-16, 2016-17 and 2017-18, i.e., of turnovers of more than three (03) years back.

6. We are therefore of the view that the impugned order cannot be sustained since there is a denial of natural justice, and adequate opportunity to petitioner to produce the material to avoid the levy of VAT was not given by the 2nd respondent.

7. Accordingly, the Writ Petition is allowed; and the order dt.31.01.2020 passed by the 2nd respondent is set aside, and the matter is remitted back to the 2nd respondent for fresh consideration.

8. The petitioner is granted four (04) weeks' time from to-day to submit the original purchase invoices in relation to its transactions with M/s.Ultra Tech Cement to the 2nd respondent which shall be considered by the 2nd respondent along with any additional reply which the petitioner seeks to file; and the 2nd respondent shall then pass a reasoned order in accordance with law and communicate it to the petitioner. No order as to costs.

9. 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: 25.02.2020
Ndr