

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
and
THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 6915 of 2008

Between:

M/s. Saritha Steel & Industries Ltd., Anthakapalli village, Rajam,
Srikakulam District,
rep. by its Assistant Manager - Accounts Mr. M.Prabhakar Rao.
..... PETITIONER

AND

- 1 The Assistant Commissioner (CT) LTU, Vizianagaram Division,
Vizianagaram
- 2 The Appellate Deputy Commissioner (CT), Visakhapatnam
Division, Visakhapatnam.
- 3 The Joint Commissioner (CT) Legal, A.P., Hyderabad.
- 4 The Branch Manager, HDFC Bank, Dwarakanagar Branch,
Visakhapatnam.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction setting aside the notice dated 27-3-2008 issued by the 1st respondent to 4th respondent for recovery of the disputed arrears under the CST Act for the year 2005-06 as illegal, arbitrary and unjustified and consequently restrain the 1st respondent from taking any coercive steps for the balance demand of Rs.13,78,401/- pending disposal of the appeal before the 2nd respondent, and pass

Counsel for the Petitioner:MR.S.DWARAKANATH

Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court made the following :

ORDER: (Per The Hon'ble Sri Justice B.Prakash Rao)

-
Heard Sri S.Dwarakanath, learned Counsel for the petitioner, and the learned Government Pleader for Commercial Taxes, who takes notice on behalf of the respondents, and at their request, the main Writ Petition itself is taken up for disposal.

-
The petitioner herein is aggrieved against the order rejecting stay and issuing garnishee notice pending substantive appeal on the file of the second respondent-Appellate Deputy Commissioner.

-
Having heard the learned Counsel and on perusal of the material on record, since substantive appeal is pending involving several substantial questions, we are refraining from expressing any opinion on the merits of the case, but it is suffice, in the interest of justice, to grant stay subject to certain conditions.

-
This Writ Petition is disposed of granting stay of collection of penalty and interest pending disposal of the appeal, subject to condition of the petitioner depositing half of the disputed tax before the second respondent. It is needless to mention that the impugned Garnishee notice shall remain suspended till disposal of the appeal. The amount, if any, already paid shall be given credit to.

(B.Prakash Rao,

J)

-
31st March, 2008

(C.Y.Somayajulu, J)

Note:
Wire at party's costs.
B/o
LUR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Assistant Commissioner (CT) LTU, Vizianagaram Division, Vizianagaram
- 2 The Appeallate Deputy Commissioner (CT), Visakhapatnam Division, Visakhapatnam.
- 3 The Joint Commissioner (CT) Legal, A.P., Hyderabad.
- 4 The Branch Manager, HDFC Bank, Dwarakanagar Branch, Visakhapatnam.

5.2CCs to

6.2CD copies

Form-NIC-OGS/WP{KSRANI