

(2002) 12 AP CK 0071

In the Andhra Pradesh High Court

Case No : Writ Petition No. 25226 of 2002

Padmanabha Traders

APPELLANT

Vs

Commercial Tax Officer and Others

RESPONDENT

Date of Decision : 31-12-2002

Acts Referred:

Citation : (2002) 12 AP CK 0071

Hon'ble Judges : Motilal B. Naik, Acting C.J.; Dalava Subrahmanyam, J

Bench : Division Bench

Advocate : S. Krishna Murthy, for the Appellant;

Judgement

1. The point for consideration before this Court in this writ petition is whether the payment of disputed tax could be stayed pending a decision by the appellate authority.
2. Heard both the counsel.
3. According to the counsel for the petitioner, for the assessment year 1997-98, the tax liability was determined and thereafter the matter has been carried before the appellate authority. Pending the appellate authority taking a decision, a stay application was filed before the 3rd respondent, who rejected the request made on behalf of the petitioner holding that the stay cannot be granted in a case of this nature.
4. Having heard the counsel for the petitioner and the learned Government Pleader for Commercial Taxes, we are of the view that the writ petition could be disposed of directing the respondents to dispose of the appeal as expeditiously as possible. However, the petitioner shall deposit 50% of the disputed tax within a period of 4 (four) weeks from today. This deposit would, however, subject to the outcome of the appeal. No costs.