(1991) 02 AP CK 0023

In the Andhra Pradesh High Court

Case No : T.R.C. No. 94 of 1990

State of Andhra Pradesh APPELLANT

Vs

Srinivasa Trading Company RESPONDENT

Date of Decision : 11-02-1991

Acts Referred:
Andhra Pradesh General Sales Tax Act, 1957 — Section 7

Citation : (1991) 82 STC 221

Hon'ble Judges : Yogeshwar Dayal, C.J;A. Lakshmana Rao, J

Bench : Division Bench

Advocate : M. Ramaiah, Government Pleader, for the Appellant;

Judgement

Yogeshwar Dayal, C.J. and Lakshman Rao, J.—We are concerned in this case with the assessment year 1980-81. The Deputy Commissioner for Appeals had levied a penalty of Rs. 69,503 under sub-section (2) of section 7-A of the A.P. General Sales Tax Act, 1957 in relation to the goods in respect of which the petitioner had sought to claim exemption on the ground that they were second purchases by him. On verification it was found that it was not a case of second purchase. The Deputy Commissioner felt that the bills produced for showing the second purchase by the respondent were false bills. The Deputy Commissioner also found that the respondent had sought to claim exemption by knowingly producing false bills. The Tribunal, on appeal, found that there is no material to show that the respondent-assessee had knowingly produced false bills. The assessee submitted that the purchases were supported by purchase bills and that they were effected through brokers and that the assessee did not know that the bills given were false documents. The Tribunal accepted the plea of the assessee that the Revenue had failed to establish that the assessee knowingly produced false bills. On the material produced, we have no reason to differ from the conclusion arrived at by the Tribunal that the assessee could not be fixed with the knowledge of production of false bills knowingly and on that ground the penalty could not be levied. The tax revision case is accordingly dismissed.

2. Petition dismissed.

