APHC010162222026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3529]**
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 10279/2026

Between:

M/s. Sri Satya Sai Constructions, **...PETITIONER**

AND

The Principal Commissioner Of Central Tax and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. ANIL KUMAR BEZAWADA

Counsel for the Respondent(S):

1. SANTHI CHANDRA

The Court made the following Order:

Sri P. Girish Kumar, learned Senior Counsel appearing for the learned counsel for the petitioner has raised the question of limitation on the ground that the period of one year, granted under Section 73 (4B) of the Finance Act, 1994, had expired by the time the impugned order came to be passed.

Smt. Santhi Chandra, learned Standing Counsel appearing for the respondents, on the other hand, would contend that the period of one year, set under in the above provision, is not a mandatory provision, in view of the language of the provision, which shows that the period set out in the said provision applies “wherever it is possible”.

The learned Senior Counsel, in reply, would contend that this issue had been considered by the Hon'ble High Court of Jharkhand as well as the Hon'ble High Court of Patna, wherein it was held that the period is not mandatory and relaxation could be given where the Assessing Officer explains that there was a delay beyond one year.

It also appears that this issue is already before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court had observed that it would be appropriate that such matters are deferred whenever they come up in the High Courts so that the Hon'ble Supreme Court could quitus the whole issue by passing an order at an appropriate time.

In these circumstances, this matter is deferred and needs to be heard only after the decision of the Hon'ble Supreme Court is pronounced.

In the meanwhile, in view of the fact that the Hon'ble High Court of Jharkhand and Hon'ble High Court of Patna have held in favour of the petitioner, it would be appropriate that there is a stay of recovery of taxes and other dues, raised under the impugned order, subject to the condition of the petitioner depositing 7.5% of the disputed tax, within a period of six (06) weeks.

R RAGHUNANDAN RAO, J

T.C.D.SEKHAR, J

MJA