

# GREENWOOD ESTATES

5-4-187/3&4, II Floor,  
Soham Mansion, M. G. Road,  
Secunderabad – 500 003.  
Ph. Nos. 040 -66 33 5551/2/3

*ofc*

Dt. 25.11.2015.

To  
The Revenue Divisional Officer,  
Malkajgiri,  
Ranga Reddy District.

Sir,

**Sub: Request for re-consider your show cause notice dated 04.10.2014 as per Hon'ble High Court Order.**

**Ref: 1. Your Show Cause Notice No. L/1555/2013-1 dated 04.10.2014.  
2. W. P. No. 11325 of 2015.**

You have issued show cause notice bearing No. L/1555/2013 -1 dated 04.10.2014. In that you have levied a sum of Rs.87,12,000/- (Rupees Eighty Seven Lakhs Twelve Thousand only) towards nala conversion fee with penalty of our land admeasuring Ac.6-00 gts bearing Sy. Nos. 202 to 206 situated at Kawkur Village, Malkajgiri Mandal, GHMC Alwal Circle, Hyderabad, Ranga Reddy District. (Copy of Show Cause Notice enclosed - I).

We have challenged the above show cause notice in the Hon'ble High Court vide W. P. No. 11325 of 2015. Hon'ble High Court disposed our W.P and passed orders by imposing condition to deposit of 50% of the demanded amount i.e., Rs. 48,56,000/- (Rupees Forty Eight Lakhs and Fifty Six Thousand only) for grant of stay (Copy enclosed - II).

Accordingly we have paid a sum of Rs. 48, 56,000/- (Rupees Forty Eight Lakhs and Fifty Six Thousand only) vide challan No. 41155 paid at S.B.H, Ghuhakalpa, Nampally, Hyderabad (xerox copy of challan enclosed - III) and requested Hon'ble High Court to set aside the orders/show cause notice dated 04.10.2014.

On 13.10.2015 the Hon'ble High Court has disposed our Writ Petition and passed orders. In that order it is stated that the 2<sup>nd</sup> Respondent (RDO Malkajgiri & Secretary Revenue Department) is directed to re-consider the show cause notice dated 04.10.2014 in the light of explanation dated 13.11.2014 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order. (Order copy enclosed -IV).

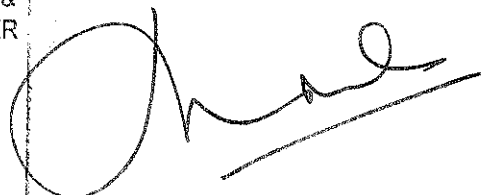
It is relevant to submit here that there is no clarity on the issue of payment of Agricultural land conversion tax as there is a long run litigation between the people who have converted the agricultural land to other purposes and the government. It is relevant to state that in the year 2009 a batch of Writ Petitions were disposed off clearly holding that lands which are already earmarked for non residential purposes by the date of the 2006 enactment cannot be assessed to tax under the new Act. This position of law continues even today as the Writ Appeal filed against this judgment has confirmed the same view and the Writ Appeals were dismissed in a batch under a judgment dated 13.10.2015.

In the mean time the State has reduced the percentage of Agricultural Land Conversion tax from 10 % to 5 % within the Greater Hyderabad Municipal Corporation Areas vide GO Ms. No.396 dated 19.6.2012. Thus even if it is assumed without admitting that our Company is liable to pay the said tax imposing penalty on us would amount to severe hardship and

OFFICE OF THE  
SPL. GRADE DY. COLLECTOR &  
REVENUE DIVISIONAL OFFICER

27 NOV 2015

MALKAJGIRI DIVISION  
R.R. DIST.



# GREENWOOD ESTATES

5-4-187/3&4, II Floor,  
Soham Mansion, M. G. Road,  
Secunderabad – 500 003.  
Ph. Nos. 040 -66 33 5551/2/3

-2-

It has also to be seen that we have constructed the apartment complex and handed over the apartments even by 2009 and we have not included this tax component in the bill of the customers or charged this component to the customers and as such we will be put to severe hardship as we have to make the payment from our pocket.

It is submitted that the Division Bench in its judgment in the batch of Writ Appeals and Writ Petitions has clearly held that lands which are earmarked and put to use for non agricultural purposes by the date of commencement of the Act are not amenable to tax. In our case even by 2006 the land is earmarked for residential purposes in the master plan dated in G.O Ms. No. 391 MA dated 23.06.1980. Thus there is no requirement of our paying any amount towards tax and as such there is no requirement of payment of penalty. Otherwise also in view of the facts and circumstances mentioned above imposition of penalty against us is totally incorrect resulting in severe hardship and as such the same is liable to be withdrawn.

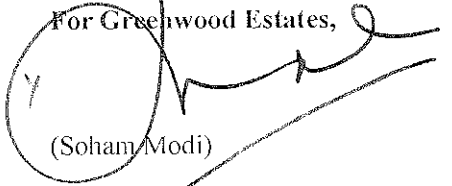
We pray the Hon'ble competent authority to consider all these facts, circumstances, legal position and pass appropriate orders.

Based on the Hon'ble High Court Order we request you to re-consider the Show Cause Notice dated 04.10.2014 and waive off nala conversion fee of Rs. 58,08,000/- and penalty of Rs. 29,04,000/- and return our paid amount of Rs. 48,56,000/- at the earliest.

Please consider our request and waive off nala conversion fee and penalty and pass appropriate orders for refund of our amount of Rs. 48,56,000/- .

Thank you,

For Greenwood Estates,



(Soham Modi)

C.C to Superintendent of Police, Regional Vigilance & Enforcement, Hyderabad.

ANNEXURE-D

NOTICE

[See Rule 8]

Office of the  
Special Grade Deputy Collector &  
Revenue Divisional Officer,  
Malkajgiri Division, R.R. Dist.

FileNo.L/1555/2013-1

Dated: 04/10/2014.

Sub:- Regular Land Conversion from Agriculture to Non-Agriculture purpose - Levy of Penalty - Show Cause Notice - Issued.

Ref:- 1. Superintendent of Police, Regional Vigilance & Enforcement, Hyderabad. Rc.No.607/RV&EO-HR/Dev.Wing/2009 dated:-12.09.2014  
2. Tahsildar Malkajgiri Mandal Lr.No.B/1129/2014 dt:-29.09.2014

\* \* \*

It is noticed that the agricultural land in Sy.No's.202, 203, 204, 205 & 206/P total Extent Ac. 6-00 gts situated at Kowkooor village of Malkajgiri Mandal, Ranga Reddy District has been put to Non-Agricultural purpose without obtaining any permission as required U/s.3 of the Andhra Pradesh Agricultural Land (Conversion of Non-Agricultural Purposes) Act, 2006.

As per section 6 (1) of the said Act, it shall be deemed that the above said lands have been converted into Non-Agricultural purpose and it is liable to be imposed a fine of 50% in addition to the regular conversion fee.

The basic value of this land on the date of detection of conversion of land to Non -Agriculture use is Rs.4,000/-Per Sq.yards. The conversion fee for Ac.6-00 gts at rate of 5% and the 50% of it as penalty works out to Rs.87,12,000/-

Therefore, M/s Mod Properties & Investments Pvt Ltd., Kowkooor village, Malkajgiri Mandal is requested to show cause why the penalty along with the conversion fee as stated in Para (2) above should not be imposed within fifteen (15) days of receipt of the notice failing which, it is deemed that the petitioner has no explanation to offer and the penalty and conversion fee will be levied as per the provisions of the said Act and the rules made there under.

Spl.Gr.Dy. Collector &  
Revenue Divisional Officer,  
Malkajgiri Division, R.R. Dist.

To  
M/s. Mod Properties & Investments Pvt Ltd., Kowkooor village,  
Malkajgiri Mandal

(Through the Tahsildar, Malkajgiri Mandal for service and return the served copy).

Copy submitted to the District Collector, Ranga Reddy District for kind information.

Copy to the Superintendent of Police, Regional Vigilance & Enforcement, Hyderabad for kind information.

PROCEEDINGS OF THE SPL.GR.DY. COLLECTOR & REVENUE  
DIVISIONAL OFFICER, RANGA REDDY MALKAJGIRI DIVISION.

PRESENT: SRI. S.PRABHAKAR REDDY.

Proccgs.No. L/1555/2013-1

Dated: 20 -11-2014.

Sub:- Regular Land Conversion from Agriculture to Non-Agriculture purpose - Levy of Penalty - Show Cause Notice - Explanation received - Not convinced - Orders- Issued.

- Ref:- 1. Superintendent of Police, Regional Vigilance & Enforcement, Hyderabad. Rc.No.607/RV&EO-HR/Dev.Wing/2009 dated:-12.09.2014  
2. Tahsildar Malkajgiri Mandal Lr.No.B/1129/2014 dt:-24.09.2014  
3. Show cause Notice issued in file No.L/1555-2013-1 dated 04.10.2014.  
4. Explanation submitted by Sri.Soham Modi dt 13.11.2014.

ORDER:

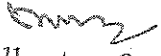
It is noticed that the Agricultural land in Sy.No's.202, 203, 204 205 & 206/P total extent Ac.6-00 gts situated in Kowkoor village, Malkajgiri Mandal, Ranga Reddy District has been converted to Non-Agricultural purpose without obtaining any permission as required under Section 3 of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (A.P. Act No. 3 of 2006).

A Show Cause Notice has been issued to M/s Modi Properties & Investments Pvt Ltd., in the reference 3<sup>rd</sup> cited calling to show cause within fifteen (15) days from the date of receipt of the notice, why a penalty along with conversion fee should not be imposed upon for conversion of the above said agriculture land without obtaining permission under the said Act.

Sri.Soham Modi R/o Paramount Builders has submitted explanation as called for and it has been considered and found to be not valid for the reasons and found to be not convincing.

In the circumstances explained above, penalty is imposed @ 50% on Conversion fee stipulated under Section 1 of the Act for converting the agricultural lands in Sy.No's.202, 203, 204 205 & 206/P total extent Ac.6-00 gts situated in Kowkoor village

Malkajgiri Mandal, Ranga Reddy District to Non-Agricultural purpose. Sri.Soham Modi is hereby directed to pay the conversion fee along with penalty of Rs.87,12,000/- The said amount should be paid within fifteen (15) days in the concerned Government Treasury and produce the copy of challan to the undersigned for regularization, failing which, the amount will be collected by invoking the provisions of Revenue Recovery Act, 1864.

  
Spl.Gr.Dy. Collector &  
Revenue Divisional Officer,  
Malkajgiri Division,  
Ranga Reddy District.

To,

M/s Modi Properties & Investments Pvt Ltd., # 5-4-187/3&4, 2nd Floor,  
MG Road Sec-bad, Sri.Kanakaraju Manager.

✓ (Through the Tahsildar, Malkajgiri Mandal for service and return  
the served copy).

Copy submitted to the District Collector, Ranga Reddy District for  
kind information.

Copy to the Superintendent of Police, Regional Vigilance & Enforcement,  
Hyderabad for kind information.

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HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY, THE TWENTY FIRST DAY OF APRIL,  
~~TWO THOUSAND AND FIFTEEN~~

:PRESENT:

THE HON'BLE SRI JUSTICE: CHALLA KODANDA RAM

WPMP.NO:14954 of 2015

IN

WP.NO:11325 of 2015

Between:

M/s Greenwood Estates, A registered partnership firm, rep. by its Managing Partner, Soham Modi, 5-4-187/3 & 4, 2nd floor, Soham Mansion, M. G. Road, Secunderabad - 500 003.

...Petitioner

(Petitioner in WP 11325 of 2015  
on the file of High Court)

AND

1. State of Telangana, rep. by its Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Special Grade Deputy Collector and Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy District.

...Respondents

(Respondents in-do-)

Counsel for the Petitioner: Sri Vedula Venkata Ramana for

Sri Prabhakar Peri

Counsel for the Respondents: GP for Revenue (TG)

Petition under Section 151 of C.P.C., praying that in the circumstances stated in the affidavit filed in the W.P. the High-Court may be pleased to grant stay of operation and effect of the order passed by the 2<sup>nd</sup> respondent in proceedings No. L/1555/2013-1 dated 20-11-2014, pending disposal of WP No. 11325 of 2015 on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

The levy of conversion charges and penalty in the order dated 20.11.2014 issued under the Andhra Pradesh Agricultural Land (conversion for non-agricultural purpose) Act, 2006 (for short 'the Act') came to be challenged before this Court. It is the principal contention of the learned Senior Counsel, Sri Vedula Venkataramana appearing for the petitioner that the subject land is non-agricultural land as on the date of the Act came into force and that as a matter of fact, the subject land of the petitioner fall under residential zone and the same is confirmed by the authorities. He further submits that the petitioner also submitted his explanation to the same effect, however, the same is not considered by the authorities in the proper perspective and raised the impugned demand directing the petitioner to pay conversion fee along with penalty of Rs. 87,12,000/-

...contd

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...contn.

On the other hand the learned Government Pleader submits that there is no categorical finding as such that the subject land is a non agricultural land as on the date of the Act came into force.

Admittedly as on the date of the Act came into force, the petitioner utilized the subject land for non-agricultural use and constructed residential flats and thereby converted the agricultural land for non agricultural use. Admittedly the petitioner did not obtain prior consent of the competent authority for conversion under the Act. In view thereof, the respondents raised the present demand.

The issue as to whether the agricultural land with in the notified residential zone can automatically ceased to be non-agricultural land, is required to be considered in the main Writ petition. Prima facie the said Act is a fiscal enactment and meant for enhancement of revenue of the State.

Having regard to the facts and circumstances of the case and for the foregoing discussion made herein above, there shall be interim stay of operation of the order passed by the second respondent in proceedings No.L/1555/2013-1, dated 20.11.2014 subject to the condition of petitioner paying 50% of the demanded amount, i.e. Rs.48,56,000/- within a period of six weeks from today. If the amount as directed hereinabove is not paid, the interim order shall stand dissolved without further reference to this Court.

Notice.

Sd/- N.PURUSHOTHAM REDDY  
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The Special Grade Deputy Collector and Revenue Divisional Officer, Malkajgiri Division, Ranga Reddy District. (Addressee Nos 1 and 2 by RPAD)
3. Two CCs to GP for Revenue (TG), High Court, Hyderabad (OUT).
4. One CC to Sri Prabhakar Peri, Advocate (OPUC)
5. One spare copy

Skm

అసలు ప్రతి / Original

తెలంగాణ ప్రభుత్వము  
GOVERNMENT OF TELANGANA

DTO/STO \_\_\_\_\_ Treasury/PAO Code

ఖాజానా చలాను  
Treasury Challan No. 41155

పెద్ద పద్దు  
Major Head 0035 Taxes & MP

ఉప పెద్ద పద్దు  
Sub Major Head

చిన్న పద్దు  
Minor Head 101 Salary collections

సామూహిక ఉప పద్దు  
Group Sub Head

ఉప పద్దు  
Sub Head 01 Receipts under Aquil to Non Aquil

సవివరమైన పద్దు  
Detailed Head 002

ఉప సవివరమైన పద్దు  
Sub-Detailed Head

Non-Plan=N/  Charged=C/  Contingency Fund HH/   
Plan=P  Voted = V/  Service Major Head

మొత్తం రూ॥ Amount Rs. 48,56,000/-

అక్షరాలా  
In words Rupees Forty Eight Lakh Fifty Six Thousand Only

జమచేయువారి పేరు, చిరునామా  
Rmitter's Name & Address Deepvard Baskar  
S-4-187/32-4, II Floor,  
Sahakar Housing, H.C. Road, Sec 8, Hyderabad-3

దీని నిమిత్తం పైకము జమ చేయబడినది  
Purpose for which the amount's deposited ALIA Contribution fee

DDO Code 1401-2302-020

Head of Account Verified

తేదీ /  
Date 02.07.2015 జమ చేయువారి సంతకము

Signature of the Remiter S/O T.O.

అక్షరాలా రూపాయలు స్వీకరించబడినవి  
Received Rs. Forty Eight Lakh Fifty Six Thousand Only

నగదు / డి.డి./ఖాతా జమ / చెక్ ద్వారా  
Received Rs. 48,56,000/- యస్.టి.డి./బ్యాంక్ మేనేజర్

by Cash / D.D. / Account Credit Cheque No. ALIA  
Bank Branch Code

NBST / Bank Seal

Note : Seperate Challan Should be used for each detailed head

All Challans Available Ph No: 23389629



HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.11325 of 2015

PC: (Per the Hon'ble Sri Justice S.V.Bhatt)

Heard Sri Prabhakar Peri, learned counsel for the petitioner and the learned Government Pleader for Revenue (TS) for respondents.

The petitioner challenges proceedings No.L.1555/2013-1 dated 20.11.2014 as arbitrary, illegal and further direct the 2<sup>nd</sup> respondent not to insist the petitioner to obtain NOC/clearance from the 2<sup>nd</sup> respondent in respect of the land measuring Acs.6-05 gts in Sy.Nos.202, 203, 204, 205 and 206 (P) in Kowkooor Village, Malkajgiri Mandal, Ranga Reddy District.

The relevant portion of the impugned proceedings reads thus:

"A show cause notice has been issued to M/s Modi Properties & Investments Pvt. Ltd., in the reference 3<sup>rd</sup> cited calling to show cause within fifteen (15) days from the date of receipt of the notice, why a penalty along with conversion fee should not be imposed upon for conversion of the above said agriculture land without obtaining permission under the Act.

Sri Soham Modi, R/o Paramount Builders has submitted explanation as called for and it has been considered and found to be not valid for the reasons and found to be not convincing.

In the circumstances explained above, penalty is imposed @ 50% on conversion fee stipulated under Section 1 of the Act for converting the agricultural lands in Sy.Nos.202, 203, 204, 205 and 206/P total extent Ac.6-00 situated in Kowkooor Village, Malkajgiri Mandal, Ranga Reddy District to Non-Agricultural purpose. Sri Soham Modi is hereby directed to pay the conversion fee along with penalty of Rs.87,12,000/-. The said amount should be paid within fifteen (15) days in the concerned Government Treasury and produce the copy of challan to the undersigned for regularization, failing which the amount will be collected by invoking the provisions of Revenue Recovery Act, 1864".

Pleader submits that the defect is patent on the face of proceedings dated 20.11.2014 and the authorities will consider and pass appropriate orders.

Having regard to the material available on record, the view taken by this Court in W.A.No.702 of 2010 and batch and the submissions of learned counsel appearing for the parties, we are satisfied the writ petition can be disposed of by this order.

"The 2<sup>nd</sup> respondent is directed to re-consider the show cause notice dated 04.10.2014 in the light of explanation dated 13.11.2014 and the view taken by this Court in W.A.No.702 of 2010 and batch and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is given liberty to communicate a copy of this order along with the explanation for expeditious decision".

The writ petition is, accordingly, disposed of.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

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DILIP B. BHOSALE,

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S.V.BHATT,

J  
Date: 13.10.2015  
*Lrkm*