

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

Coram:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.22677 of 2015
and M.P.No.1 of 2015

M/s. M.K.M.S. Constructions
Rep. by its Managing Partner
No.4/69 Kamaraj Road Arakandanallur
Tirukoilur, Villupuram District.

[Petitioner]

Vs

Commercial Tax Officer
Tirukoilur Villupuram District.

[Respondent]

PRAYER: Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of mandamus to direct the respondent to consider the representation made by the petitioner on 25.03.2015 and 06.07.2015 and direct the respondent to levy tax on works contract as per Article 366(29A)(b) of the Constitution of India and also Section 5(1) of TNVAT Act and to provide the details of the purchases relied by the respondent taken from the departmental web site before passing final orders for the year 2012-13 and to provide opportunity of personal hearing for the notice issued on 30.06.2015 under TNVAT Act

For Petitioner : Mr.C.Baktha Siromoni
For Respondent : Mr.ANR.Jayapratap, GA(T)

सत्यमेव जयते
O R D E R

Heard Mr.C.Baktha Siromoni, learned counsel for the petitioner and Mr.ANR.Jayapratap, learned Government Advocate (Taxes), who took notice for the respondent and with their consent, the Writ Petition is taken up for final disposal. .

2. This writ petition is filed under Article 226 of the Constitution of India, seeking a writ of mandamus to direct the respondent to consider the representation made by the petitioner on 25.03.2015 and 06.07.2015 and to direct the respondent to levy tax on works contract as per Article 366(29A)(b) of the Constitution of India and also Section 5(1) of TNVAT Act and to provide the details

of the purchases relied by the respondent taken from the departmental web site before passing final orders for the year 2012-13 and to provide opportunity of personal hearing for the notice issued on 30.06.2015 under TNVAT Act

4. Learned counsel for the petitioner would submit that the petitioner would be satisfied if a direction is given to the respondent to dispose of the petitioner's representation within a time frame.

5. Considering the limited prayer now sought for by the learned counsel for the petitioner, without going into the merits of the matter, the respondent is hereby directed to consider and pass orders on the representation of the petitioner dated 25.03.2015, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Dt: 6.8.2015

This writ petition having been posted on this day 'for being mentioned' in pursuance of the order of this court dated 28.7.2015 and made herein in the presence of the aforesaid Advocates this Court made the following order:

This matter has been listed today under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2.Learned counsel for the petitioner would submit that this Court on 28.07.2015 while disposing of W.P.No.22677 of 2015 has directed the respondent to consider the representations of the petitioner dated 25.03.2015 and 06.07.2015 on merits and in accordance with law, however, the copy of the order does not contain the date of the petitioner's representation namely, 06.07.2015, hence, he prayed for suitable correction.

3.In view of the above submission, paragraph 5 of the order is modified as under:-

"5.Considering the limited prayer now sought for by the learned counsel for the petitioner, without going into the merits of the matter, the respondent is directed to consider and pass orders on the representations of the petitioner dated 25.03.2015 and 06.07.2015 respectively, on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed."

4.Registry is directed to carry out the above said correction and issue corrected copy of the order.

rg

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

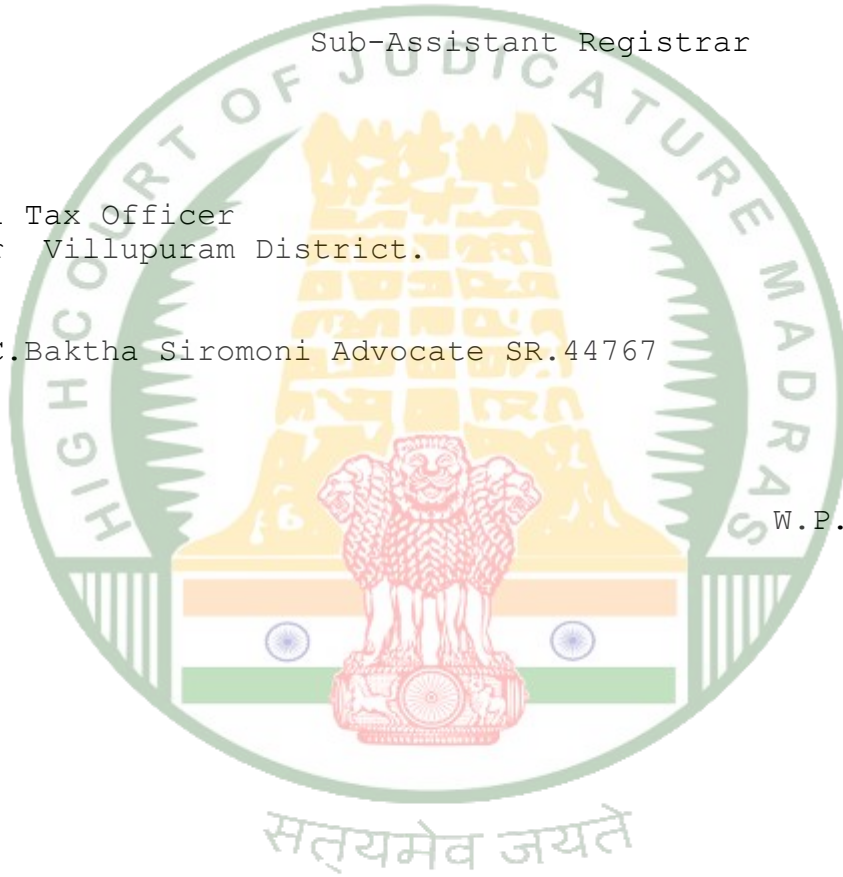
To

Commercial Tax Officer
Tirukoilur Villupuram District.

+1 cc to C.Baktha Siromoni Advocate SR.44767

rsi(co)
prk26/8

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