

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23779 of 2015

and

M.P.Nos.1 & 2 of 2015

M/s.Shri Krishna Builders
491 (New No.15) Poonamallee High Road
Maduravayal Chennai 95
Rep by Managing Partner

... Petitioner

Vs

1. The Superintendent of Service Tax
O/o.The Asst. Commr. of Service Tax
Service Tax II Division
Service Tax III Commissionerate
Newry Towers, Ground Floor Plot No.2054
1st Block 2nd Avenue 12th Main Road
Anna Nagar Chennai 40
2. The Assistant Registrar
Customs Excise & Service Tax Appellate Tribunal
26 Sashtri Bhavan Annex Building
Haddows Road Chennai 6

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records of the 1st respondent in proceedings C. No. IV/16/167/2014-SV0205 and quash the proceedings dt 29.7.2015 issued therein and further direct the respondent not to take any coercive steps for recovery pending the disposal of the Stay Petition in ST/S/170/2012 in ST 234/2012 filed by the petitioner before the 2nd respondent herein.

For Petitioner : Mr.L.Muralikrishnan

For Respondent : Mr.A.P.Srinivas, SSC

O R D E R

Heard the learned counsel appearing for the petitioner and Mr.A.P.Srinivas, learned Senior Standing counsel for the respondents.

2. The writ petition has been filed under Article 226 of the Constitution of India, challenging the proceedings of the 1st respondent dated 29.7.2015 and to direct the 1st respondent not to take any coercive steps for recovery, pending disposal of the stay petition filed by the petitioner before the 2nd respondent.

3. When the matter is taken up for hearing, learned Senior Standing Counsel appearing for the respondents fairly submitted after getting instructions that recovery proceedings will not be proceeded with until the waiver application filed with regard to mandatory pre-deposit is disposed of. The said submission may be recorded and the writ petition may be closed.

4. In view of the said submission made by the learned Senior Standing Counsel appearing for the respondent, recording the same, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rg

To

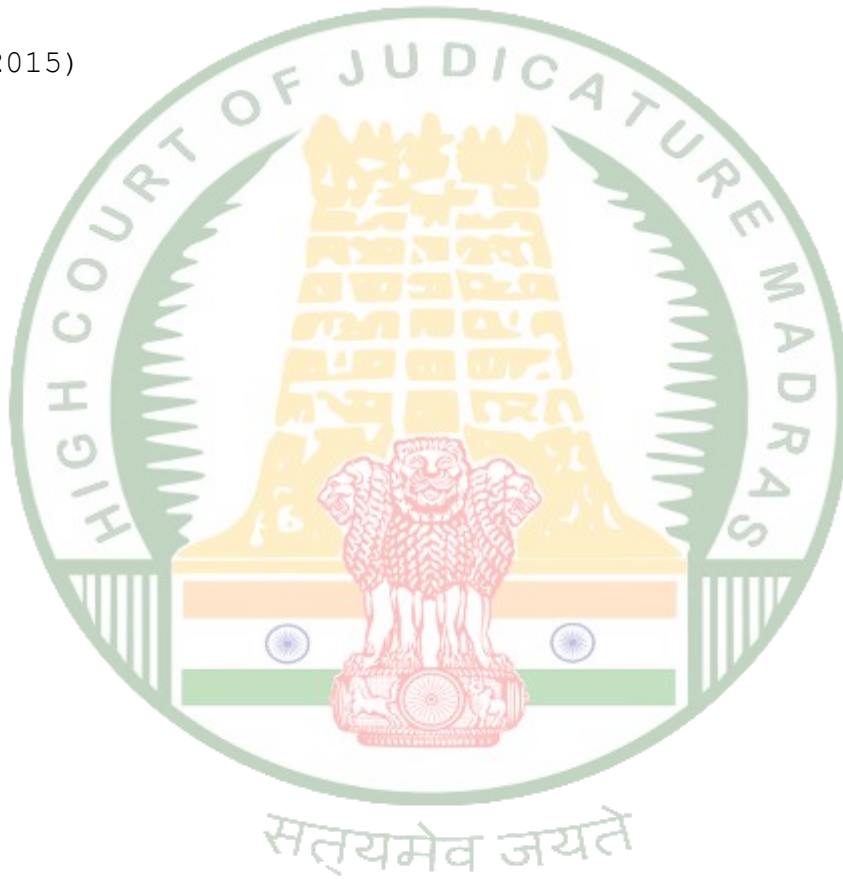
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+1cc to Mr.A.P.Srinivas, Advocate, S.R.No.47100
+1cc to Mr.L.Muralikrishnan, Advocate, S.R.No.46420

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SKV(CO)
CA(14/09/2015)



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