IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.27306 of 2015

and M.P.No.1 and 2 of 2015

M/s.Sri Satyanarayana Spinning Mills Limited,
Rep. by its Managing Director and
Chief Executive Officer - E.Satyanarayana,
Venkarayapuram,
Tanuku 534 215,
West Godavari District,
Andhra Pradesh.

... Petitioner

-Versus-

The Deputy Commercial Tax Officer,
Katpadi Check Post,
Katpadi,
Vellore District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Certiorari calling for the records of the respondent relating to the order in G.D.No.1598/2015-16 dated 28.08.2015 and to quash the said order.

For Petitioner : Mr.R.Hemalatha

For Respondent : Mr.Kanmani Annamalai, AGP (Taxes)

ORDER

Challenging the notice 28.08.2015 issued by the respondent to the petitioner determining the tax and giving an opportunity to compound the offence under 71(1)(a) of the Tamil Nadu Valued Added Tax Act, 2006, the petitioner has come forward with this writ petition.

2. The petitioner is a manufacturer of cotton yarn and a registered dealer in Andhra Pradesh having TIN 37740198276 & CST 37740198276. One M/s.Arvind Limited, a division of Ankur Textiles placed an order on the petitioner for supply of combed ring yarn

normal, twist (voile) by letter and requested to dispatch the goods to M/s.Kamal Textiles, Coimbatore. The petitioner, accordingly, dispatched the goods to the latter company through vehicle bearing registration No. AT 6213 and raised invoice on the former company for Rs.5,50,877/-. During transit, on 27.08.2015, the said vehicle was intercepted and the same was detained by the respondent on the ground that the consignment did not accompany proper documents, which is contrary to the provisions of the Tamil Nadu Valued Added Tax Act. Hence, the impugned notice came to be issued. It is the said notice now under challenge in this writ petition.

3. Heard both sides and also perused the available records carefully.

4. When this writ petition came up for admission, the learned counsel for the petitioner submitted that, though the detention notice is put under challenge, the petitioner company are ready to pay one time tax without prejudice to their contentions and therefore, the petitioner would be satisfied if the respondent is directed to release the goods forthwith on payment of one time tax by the petitioner. The said statement is recorded.

5. The learned Additional Government Pleader (Taxes) who takes notice for the respondent submitted that he has no objection for passing an order directing the goods be released on payment of one time tax.

6. In view of the above, the writ petition is disposed of with a direction to the respondent to pay the one time tax of Rs.33,434/- and on such payment, the respondent shall release the detained goods forthwith. It is, however, made clear that it is always open to the petitioner to agitate the proceedings in respect of composition of offence as provided under the Act. No costs. Consequently, connected MPs are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To
1.The Deputy Commercial Tax Officer, Katpadi Check Post, Katpadi,
Vellore District.

+1 cc to Special Government Pleader (Taxes) High Court sr.46814
+1 cc to M/S.R.Hemalatha Advocate sr.46407

W.P.No.27306 of 2015

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