

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.28347 of 2015
and M.P.Nos.1 & 2 of 2015

M/s.Ellak Chem Industries (P) Ltd.,
Represented by its Authorised
Signatory K.G.Jothis Kumar
Manjavadi Village,
Pappireddi Taluk,
Dharmapuri District.

Petitioner

Vs.

1. The Principal Secretary and
Commissioner of Commercial
Taxes, Chepauk,
Chennai - 600 005

2. The Commercial Tax Officer,
Harur Assessment Circle,
Harur, Dharmapuri District.

Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorari calling for the records on the files of the 2nd respondent in TIN 33563341288/2009-2010 dated 29.07.2015 and quash the same as being without jurisdiction, authority of law and double assessment on the quantum of penalty of Rs.16,329/- u/s.27 (4) of TNVAT Act 2006 and contrary to the circular of the first respondent issued in Letter No.Acts Cell-V/5197/2015 dated 27.05.2015.

For Petitioner : Mr.R.Senniappan

For Respondents: Mr.ANR Jayaprathap
Govt. Advocate (Tax)

ORDER

The learned counsel for the petitioner seeks leave of this court to withdraw this writ petition with a liberty to approach the Appellate Authority and he has also made an endorsement to that effect.

2. Based on the submission made by the learned counsel for the petitioner and in view of the endorsement made by him, this Writ Petition is dismissed as withdrawn with a liberty to approach the Appellate Authority. The petitioner is permitted to prefer appeal before the first respondent within a period of two weeks from the date of receipt of a copy of this order. Till the appeal is filed by the petitioner, status quo shall be maintained by the respondent. No costs. Consequently, connected Miscellaneous Petition is closed.

3. Registry is directed to return the original impugned order to the petitioner forthwith, so as to enable him to pursue the matter before the Appellate Authority.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

rgr

To

1. The Principal Secretary and
Commissioner of Commercial
Taxes, Chepauk,
Chennai - 600 005

2. The Commercial Tax Officer,
Harur Assessment Circle,
Harur, Dharmapuri District.

1 cc to Mr. R.Senniappan, Advocate Sr.No.49058

1 cc to Spl.Government Pleader Sr.No.49117

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pmk.29.9.2015

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