



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.10.2015

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WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH**

W.P(MD) .No.19051 of 2015

Tvl. Sri Vasavi Spinning Mills,  
Through its Managing Partner,  
S.Purushothaman

...Petitioner

Vs.

The Commercial Tax Officer,  
Musiri Assessment Circle,  
Musiri,Trichy District.

...Respondent

Prayer :- This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent herein to consider the petitioner's representation, dated 24.06.2015 and permit the petitioner to submit Form "C" and Form "F" for the period 2007-2008 to 2011-2012 in respect of Tvl.Sri Vasavi Spinning Mills by considering the delay and pass appropriate orders within a time stipulated by this Court.

For petitioner

: Mr.G.Mohankumar

For Respondent

: Mr.R.Karthikeyan

Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondent herein to consider the petitioner's representation, dated 24.06.2015 and permit the petitioner to submit Form "C" and Form "F" for the period 2007-2008 to 2011-2012 in respect of Tvl.Sri Vasavi Spinning Mills by considering the delay and pass appropriate orders within a stipulated time.

2. Mr.R.Karthikeyan, learned Additional Government Pleader takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the petitioner is the Managing Partner of Tvl.Vasavi Spinning Mills and he availed various credit facilities from the State Bank of India, Commercial Branch, Trichy. Due to irregular payment, the loan accounts were declared as NPA on 26.09.2012 and the secured creditor/State Bank of India initiated SARFAESI proceedings and the entire possession was under the control of the secured creditor. As on 01.11.2012, the due amount is RS.12,08,90,845/- and therefore, the Secured Creditor auctioned a small portion of the mortgaged property measuring to an



extent of 4 cents and realized a sum of Rs.38,00,000/- and thereafter, the secured creditor, further auctioned the plant and machineries and realized Rs.4,10,00,000/-. At this point of time, the respondent herein issued an auction notice, dated 11.06.2014, to auction the very same properties on 30.06.2014, by stating that the petitioner unit has not submitted Form "C" and Form "F" for the period 2007-2008 to 2011-2012. Challenging the said notice, the petitioner filed W.P(MD).No.7508 of 2014 and in which, this Court had granted interim stay for confirmation of auction, dated 30.06.2014. The Secured Creditor has also filed a Writ Petition in W.P.No.12825 of 2014 challenging the very same auction notice, before the Principal Bench of this Court. This Honourable Court clubbed the above said two Writ Petitions and posted the same in the Principal Bench of Madras High Court. Thereafter, the petitioner approached the respondent and the secured creditor seeking permission to access the records and to submit Form "C" and Form "F" for the period 2007-2008 to 2011-2012 to the respondent. The Secured Creditor permitted the same. But, the respondent refused to receive the Form "C" and Form "F". Hence, the petitioner has made a representation by narrating the entire facts and requested the respondent to permit the petitioner to submit Form "C" and Form "F" for the period 2007-2008 to 2011-2012 in respect of Tvl.Sri Vasavi Spinning Mills by condoning the delay and to revoke the attachment order, dated 26.02.2014. Since the said representation was not considered so far, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, this Court directs the respondent to consider the representation of the petitioner, dated 24.06.2015, and pass appropriate order, on merits and in accordance with law, by affording an opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of.  
No Costs.

Sd/-  
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To  
The Commercial Tax Officer, Musiri Assessment Circle,  
Musiri, Trichy District.

pm

RL/2c - 3/11/2015

<https://hcservices.ecourts.gov.in/hcservices/>

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