

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAISWAMY

W.P.No.12503 of 2016
and WMP No.10815 of 2016

M/s Ressurgent Infrastructure,
represented by its Partner
Mr.Gireesh Kumar Bhandari,
No.12, Mooker Nallamuthu Street,
First Floor,
Chennai-600 001 Petitioner

v.

The Assistant Commissioner (CT),
Broadway Assessment Circle,
Chennai - 600 001 ... Respondent

Writ Petition filed under Article 226 of the Constitution of India to a issue Writ of Certiorari to call for the impugned proceedings of the respondent in TIN No.33030061379/2012-2013 and quash the impugned order dated 25.01.2016.

For Petitioner : Mr.P. Rajkumar

For Respondent : Mr.S. Kanmani Annamalai
AGP

ORDER

The petitioner has filed the above writ petition to issue a writ of Certiorari to call for the impugned proceedings of the respondent in TIN No.33030061379/2012-2013 and quash the impugned order dated 25.01.2016.

2. It is the case of the petitioner that the impugned order, passed by the respondent, is liable to set aside for the reason, that the respondent had not considered the objections, filed by the petitioner. That apart, the learned counsel for the petitioner submitted that with regard to TDS is concerned, the respondent should have put the petitioner on notice before considering the TDS Recovery Certificate.

3. Mr.S. Kanmani Annamalai, learned Additional Government Pleader, taking notice for the respondent, submitted that the respondent may be directed to consider the petitioner's objections and decide the matter afresh.

4. Having regard to the submissions made by the learned counsel on either side and taking note of the fact that the respondent had passed the impugned orders, without considering the objections and without giving a Notice with regard to TDS, the impugned order dated 25.01.2016 is liable to be set aside and accordingly, the same is set aside. The respondent is directed to consider the petitioner's objections and decide the matter afresh, on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner. With this observation, the writ petition is disposed of. No costs. Consequently, connected MP is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sr

To

The Assistant Commissioner (CT),
Broadway Assessment Circle,
Chennai - 600 001

1 cc to Spl.Government Pleader, (Taxes) Sr. 21109
1 cc to Mr.P. Rajkumar, Advocate, Sr. 20962

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