

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.15634 of 2016

Suryadev Alloys & Power Private Limited
rep by its Director Govind Gagoria
Survey No.298/2, Gummidipoondi Taluk,
New Gummidipoondi - 601 201.

... Petitioner

Vs.

The Deputy Commercial Tax Officer
R.S.V Enforcement North,
Chennai - 600 006.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the respondent in G.D.No.2016/2016-17 dated 21.04.2016 and to quash the impugned proceedings and further direct the respondent to release the goods detained.

For Petitioner : Mr.R.Kumar

For Respondent : Mr.Manoharan Sundaram,
Additional Government Pleader (Tax)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records of the respondent in G.D.No.2016/2016-17 dated 21.04.2016 and to quash the impugned proceedings and to further direct the respondent to release the goods detained.

2.The learned counsel appearing for the petitioner submitted that the petitioner is willing to pay the One Time Tax to be quantified by the respondent and on payment of the One Time Tax, the respondent may be directed to release the goods.

3.Mr.Manoharan Sundaram, learned Additional Government Pleader (Tax) taking notice for the respondent submitted that since the respondent had not valued the goods and quantified the tax component, the respondent may be directed to value the goods and quantify the One Time Tax payable by the petitioner and on

payment of One Time Tax to be quantified by the respondent, the respondent may be directed to release the goods.

4.Having regard to the submissions made by the learned counsel on either side, the respondent is directed to quantify the One Time Tax component within a period of two weeks from the date of receipt of a copy of this order and on payment of the One Time Tax to be quantified by the respondent, the respondent is directed to release the goods forthwith. With regard to the other aspects, the petitioner is at liberty to work out their remedy in accordance with law.

5.With these observations, the Writ Petition is disposed of. No costs.

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s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

The Deputy Commercial Tax Officer
R.S.V Enforcement North,
Chennai - 600 006.

+ 1 cc to Mr.R.Kumar, Advocate, SR 25935

+ 1 cc to Spl.Govt.Pleader(T), High Court, Madras SR 26116

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