IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1582 of 2016
and
W.M.P.Nos.1346 to 1348 of 2016

Tvl.Satguru Oils Pvt. Ltd.,
408, Bansiwala Tower,
13, Agarwal Nagar,
Agrasen Square, Sapna Sangeeta Main Road,
Indore,
Madhya Pradesh,
represented by
Authorised Signatory,
G.Raju ... Petitioner

Vs

The Deputy Commercial Tax Officer,
Kandamangalam Check Post,
Lingareddypalayam,
Villupuram. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the respondent in Goods Detention Notice No.3628 dated 06.01.2016 and the consequential proceedings in G.D.No.3628/2015-16, dated 09.01.2016 and quash the same.

For Petitioner : Mr.P.Haribabu

For Respondent : Mr.S.Manoharan Sundaram
Additional Govt. Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner has filed this writ petition challenging the goods detention notice dated 09.01.2016 issued by the respondent and consequently seeking a direction to the respondent to release the detained goods.

3. According to the petitioner, the petitioner is a trader of vegetable oils. During the course of such business, they purchased Soya Oil from Rajaram Solvex Ltd., Islampur, Maharashtra, on 03.01.2016 and effected transit sales to M/s.Berger Paints Ltd., Puducherry, on 04.01.2016. The goods transported in the vehicle bearing Registration No.TN-20-BT-5488, was intercepted and the loaded goods were detained by the respondent on 06.01.2016 by Goods Detention Notice in G.D.No.3628/2015-16, alleging that the transit pass had been generated manually and other related documents were not available for verification. The petitioner's explanation dated 08.01.2016 was not accepted and the compounding notice dated 09.01.2016, came to be issued to the petitioner. Aggrieved against the same, the petitioner is before this court.

4. The learned Counsel for the petitioner submitted that the goods in question were transported with valid documents and the transaction is purely inter-state in nature and hence, the detention of the same is arbitrary, illegal and without any basis. He also pointed out that Sections 67 to 71 of TNVAT Act, are not applicable in the present case and sought for release of the goods.

5. On the other hand, Mr.S.Manoharan Sundaram, learned Additional Government Pleader appearing for the respondent submitted that the petitioner transported the goods without valid documents, as such, the same were detained and the goods detention notice was issued to the petitioner in accordance with law.

6. Heard both sides and perused the materials placed before this Court.

7. It is not disputed that the transit pass manually generated was produced at the time of check and the transaction is inter-state in nature. When such being the case, the respondent cannot demand tax as if the transaction is meant for local sale. For not affixing the signature of the Consignor or Consignee, only a sum of Rs.2,000/- (Rupees Two Thousand only) can be imposed as fine.

8. Considering the facts and circumstances of the case, this Court is inclined to order release of the detained goods in question on payment of Rs.2,000/- (Rupees Two Thousand only) by the petitioner.

9. Accordingly, the writ petition is disposed of, by directing the petitioner to pay a sum of Rs.2,000/- (Rupees Two Thousand only) towards fine to the respondent. On payment of the same by the petitioner, the goods in question shall be released

forthwith. With regard to compounding fee, it is always open to the petitioner to challenge the same before the competent authority in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr/rsb

To
The Deputy Commercial Tax Officer,
Kandamangalam Check Post,
Lingareddypalayam,
Villupuram.

+ 1 cc to M/s. P. Haribabu, Advocate SR.2577
+ 1 cc to Special Government Pleader SR.2553

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RSK(CO)
Eu 17.02.16