IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18455 of 2016

and

W.M.P.Nos.16164 and 16165 of 2016

Sri Giddanjineya Cottons
represented by its Proprietrix
N.Chowdamma ... Petitioner

Vs.

The Commercial Tax Officer (Enf)
Roving Squad,
Vellore. ... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari to call for the records of the respondent in Goods Detention Notice No.527/16-17 dated 14.05.2016 and the consequential proceedings in G.D.No.527/2016-17 dated 16.05.2016 and quash the same.

For Petitioner : Mr.S.Raveekumar

For Respondent : Mr.V.Haribabu, AGP (T)

O R D E R

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

2. The petitioner would state that it is a registered dealer on the file of the Adoni Assessment Circle vide 37945125638 and under the Central Sales Tax Act and it is a trader in Cottons and it effects both inter-state and intra-State transactions. The petitioner would further state that M/s.Raj Rang Textiles, a registered dealer under the TNVAT Act in Karamadai, placed orders for supply of 100 bales of cotton and the petitioner had effected inter-state sales for Rs.17,63,653/- against 'C' Forms on 13.05.2016 and also despatched the goods with all the required documents on that date itself in a lorry bearing

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Registration No.TN 30 -R-3659. However, the goods was detained at Pallikinda Check Post and the respondent issued impugned compounding notice dated 16.05.2016 calling upon the petitioner to pay a sum of Rs.3,33,330/- for the purpose of release of the goods, as per the Goods Detention Notice dated 14.05.2016 and also indicated that failing which, further proceedings would be taken after three days.

3. It is the submission of the learned counsel appearing for the petitioner that since it is an inter-state sale, the petitioner is not liable to pay any tax at all and the respondent, without due and proper application of mind to the relevant materials, has erroneously issued the compounding notice and prays for appropriate order.

4. Per contra, Mr.Haribabu, learned Additional Government Pleader (T), who accepts notice on behalf of the respondent would contend that a perusal of the documents would disclose that the dealer has raised consolidated invoice without charging any tax for the sale and accordingly, the goods has been detained.

5. In response to the said submission, learned counsel for the petitioner, on instructions, would submit that without prejudice to its rights and contentions, the petitioner is willing to pay a sum of Rs.75,000/- to the respondent for the purpose of releasing the goods, for which, the learned Additional Government Pleader has no serious objection.

6. In the result, the writ petition is disposed of, by permitting the petitioner to pay a sum of Rs.75,000/- without prejudice to its rights and contentions to be raised before the respondent and on such payment, the respondent shall release the detained goods, forthwith. No costs. Consequently, connected Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

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To

The Commercial Tax Officer (Enf)
Roving Squad,
Vellore.

+1cc to Mr.S.Raveekumar, Advocate sr.28859
+1cc to the Special Government Pleader Sr.28872

W.P.No.18455 of 2016

eu(CO)
srg(27/05/2016)

HIGH COURT OF JUDICATURE MADRAS
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