

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.18563 of 2016 &
WMP No.16270 of 2016

M/s.B.R.Retail India Pvt. Ltd

[PETITIONER]

Rep. by its Area Sales Manager

Mr.R.Sudheer

office at No.6-3-648, Padmaja Landmark
Adj.RTA Office, Somajiguda,
Hyderabad-82.

Vs

1 The Deputy Commercial Tax
Officer Chennai Central Parcel Office
Chennai-600 001.

2 The Deputy Commissioner(CT)
Enforcement (Chennai) North
PAPJM Building
Greams Road, Chennai-600 006.

3 The Joint Commissioner
Enforcement (Chennai) North
PAPJM Building
Greams Road, Chennai-600 006.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the impugned Compounding Notice dated 25.4.2016 issued by the first respondent in G.D. No.3012/ 2016-2017 and quash the same and direct the respondents to release the detained consignment of Monitor cum LED TV (12 Box) without any condition of payment of one time tax and Compounding Fees so that the petitioner would re-dispatch the consignment to its own place of business in Hyderabad.

For Petitioner

: Mr.P.Rajkumar

For Respondents

: Mr.S.Kanmani Annamalai
Additional Govt. Pleader

O R D E R

Heard Mr.P.Rajkumar, learned counsel appearing for the petitioner and Mr.S.Kanmani Annamalai, learned Additional Government Pleader, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition challenging the compounding notice issued by the first respondent dated 25.04.2016, by which the goods which were brought by him were detained on the ground that the goods had moved without any valid documents. The petitioner submitted a representation on 17.05.2016, requesting for release of the goods, stating that the goods were brought only for the purpose of demonstration and not for sale. The said representation is now pending consideration before the first respondent.

3.The learned counsel for the petitioner submitted that as soon as the goods are released in the next available train to Hyderabad, the goods will be taken back and the petitioner will produce proof to show that the goods have reached Hyderabad.

4.This undertaking given on behalf of the petitioner is placed on record.

5.In the light of the fact that the petitioner is ready and willing to take back the goods and also ensure that the goods reach the place of origin viz. Hyderabad, there will be a direction to the first respondent to release the goods in question on an undertaking furnished by the petitioner to the effect that they will take back the goods to the Hyderabad in the next available train or any other mode of transport and soon after its release also produce proof to the first respondent to show that the goods have reached Hyderabad. The above direction be complied with by the first respondent within a period of one week from the date on which the undertaking is filed by the petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

r p a

-s/d-
Assistant Registrar(CS-II)

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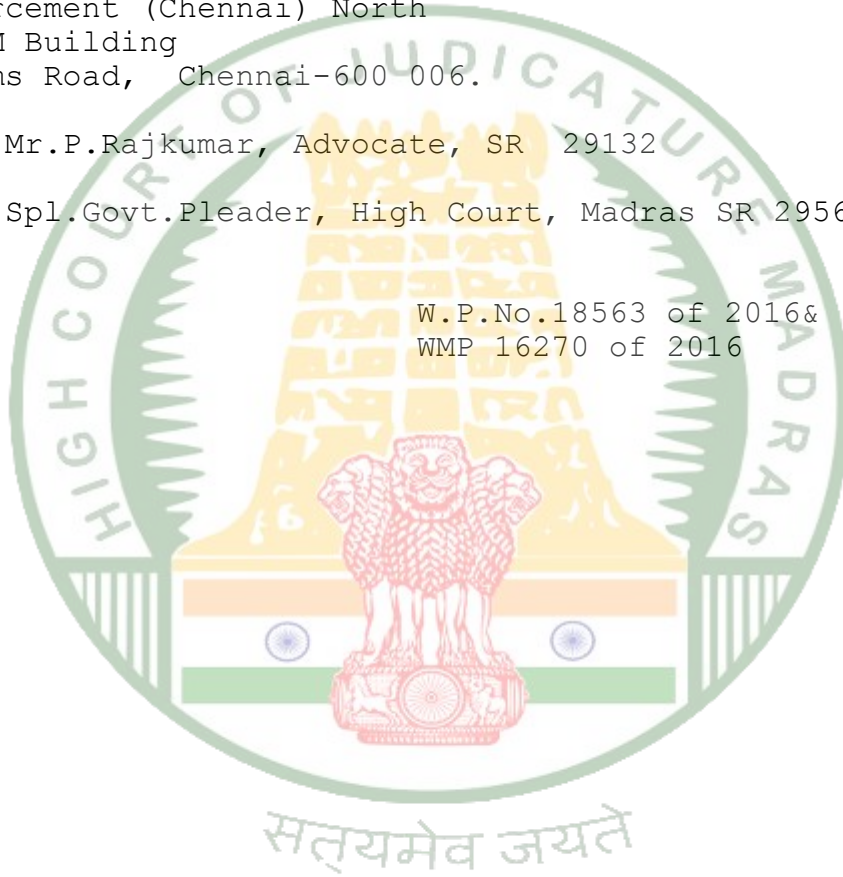
Sub-Assistant Registrar

To

- 1 The Deputy Commercial Tax
Officer Chennai Central Parcel Office
Chennai-600 001.
 - 2 The Deputy Commissioner(CT)
Enforcement (Chennai) North
PAPJM Building
Greams Road, Chennai-600 006.
 - 3 The Joint Commissioner
Enforcement (Chennai) North
PAPJM Building
Greams Road, Chennai-600 006.
- + 1 cc to Mr.P.Rajkumar, Advocate, SR 29132
- + 1 cc to Spl.Govt.Pleader, High Court, Madras SR 29569

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