

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.40829 of 2015
and M.P.No.1 of 2015

M/s. Blendsteel Engineering Pvt. Ltd.
Represented by its Director
Prabhu Jayaraman ... Petitioner

Vs

1. The Commissioner of Commercial Taxes
Ezhilagam, Chempauk,
Chennai 600 005.
2. The Joint Commissioner (Commercial Tax)
Vellore Division,
Government Building,
No.4, Bharathiyar Street,
Fort Round, Vellore 632 001.
3. The Deputy Commercial Tax Officer,
Ranipet Checkpost,
Serkadd Village,
Vellore.
4. M/s. Bhardwaj Careways (India) Pvt. Ltd.
No.303 Metro Palaza,
Opp. Bank of India,
Near Moti Tanki Chowk,
Rajkot 360 001. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents 1 and 2 to initiate appropriate disciplinary proceedings against the third respondent for illegally detaining the petitioner's machinery and demanding a sum of Rs.10,000/- as bribe.

For Petitioner : Mr.Pradeep Jayaraman

For R1 to R3 : Mr.S.Manoharan Sundaram, AGP

O R D E R

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

2.The petitioner has filed this writ petition seeking a direction to the respondents 1 and 2 to initiate appropriate disciplinary proceedings against the third respondent for illegally detaining the petitioner's machinery and demanding a sum of Rs.10,000/- for release of the same.

3.According to the petitioner, the petitioner is engaged in the business of steel fabrication and industrial valve manufacturing. During the course of such business, the petitioner purchased a Bandsaw machine from one M/s.Hasu Industries at Rajkot, Gujarat, after payment of necessary tax to the Government. When the said machine was transported through the fourth respondent from Rajkot to Chennai, the third respondent intercepted and detained the same on 22.11.2015 and illegally demanded a sum of Rs.10,000/- for release of the same. Hence, the petitioner is before this court for the above stated relief.

4.Learned counsel for the petitioner submitted that the machine in question was transported with valid documents and hence, the detention of the same is arbitrary, illegal and without any basis. Further, learned counsel for the petitioner also submitted that no goods detention notice was served on the petitioner.

5.On the other hand, Mr.S.Manoharan Sundaram, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner transported the machine in question from Rajkot to Chennai without valid documents, as such, the same was detained. He further submitted that a Goods Detention Notice dated 22.11.2015 was issued to the petitioner as per law.

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

7.Considering the facts and circumstances of the case, this Court is inclined to order release of the detained machine on payment of tax liability at Rs.7,000/- by the petitioner.

8.Accordingly, the writ petition is disposed of, by directing the petitioner to pay a sum of Rs.7,000/- towards tax to the third respondent. On payment of the same by the petitioner, the machine 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, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rk

To

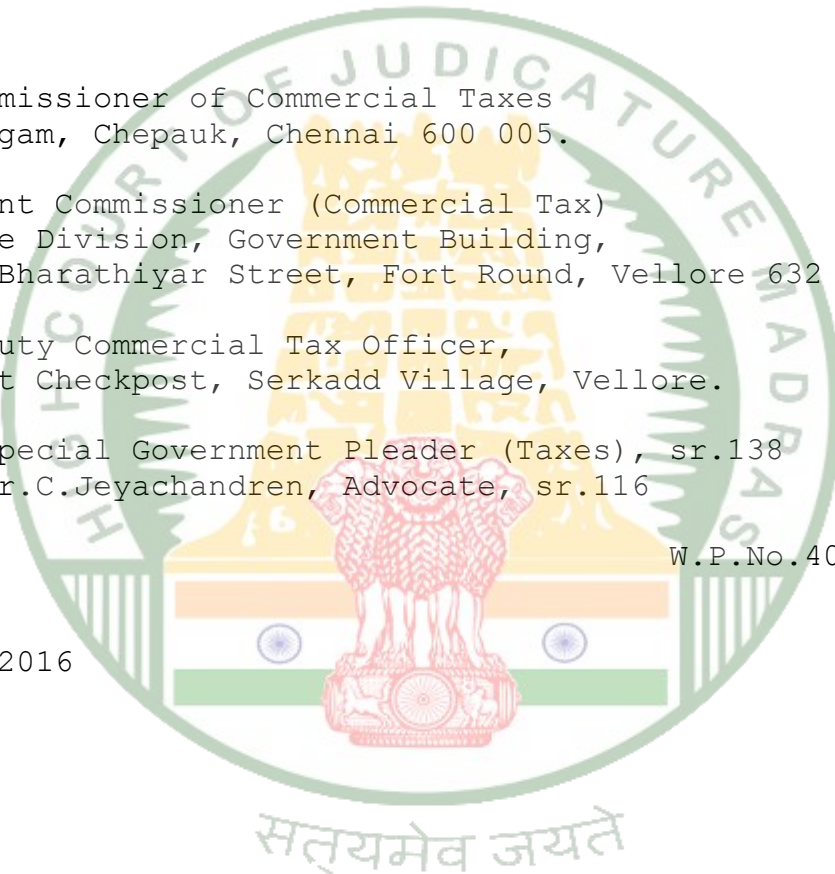
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+1 cc to Special Government Pleader (Taxes), sr.138

+1 cc to Mr.C.Jeyachandren, Advocate, sr.116

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