

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.552 of 2015

&

M.P.No.1 of 2015

K.Chinnasamy

... Petitioner

Versus

1. The Commissioner and Secretary,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
 2. The District Collector,
Erode District,
Erode - 638 001.
 3. The Divisional Excise Officer,
Erode Taluk Office Compound,
Erode.
- ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records in the order passed by the third respondent vide Order Ref.No.NA.KA.7775/83/F2, dated 25.11.2014 and quash the same as arbitrary, illegal and unjustifiable.

For Petitioner : Mr.A.Thiyagarajan, Senior Counsel
For Mr.S.Ramesh Kumar

For Respondents : Mr.R.Lakshmi Narayanan
Additional Government Pleader

O R D E R

Heard Mr.A.Thiyagarajan, learned Senior Counsel representing Mr.S.Ramesh Kumar, learned counsel, appearing for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, accepting notice on behalf of respondents.

2.The petitioner has filed this Writ Petition for quashing the order passed by the third respondent dated

25.11.2014, demanding interest for the belated payment for the notional loss caused on account of the belated payment of the bid amount in respect of Arrack Shop No.26/83-84, Vadamugham Vellode Village, Perundurai Taluk.

3.The petitioner would contend that the interest is not leviable, since the interest is demanded based on the Government Order in G.O.Ms.No.81 Prohibition and Excise Miscellaneous Department dated 05.04.2004, and if at all interest is payable, it is only after issuance of the Government Order.

4.This contention raised by the learned Senior Counsel for the petitioner does not merit acceptance owing to the fact that interest is demanded for belated payment by virtue of the notification issued by the Government, published in the official gazette which has come into effect from 12.05.1981. As long as the said Notification has not been challenged by the petitioner, he is bound to remit the interest. Further more, the petitioner should have paid the entire amount without any default and the petitioner having committed default, notional loss had arisen and the petitioner does not dispute the same. However, the only question to be decided in this Writ Petition is whether the petitioner is liable to pay the interest on the said amount ?

5.In the light of the fact that the Notification levying interest, which has come into effect from 12.05.1981, has not been challenged, the petitioner has to remit the notional interest as demanded. Accordingly, I find no merit in the Writ Petition and the same is dismissed. Petitioner is granted eight weeks time to pay interest as demanded. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner and Secretary,
Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

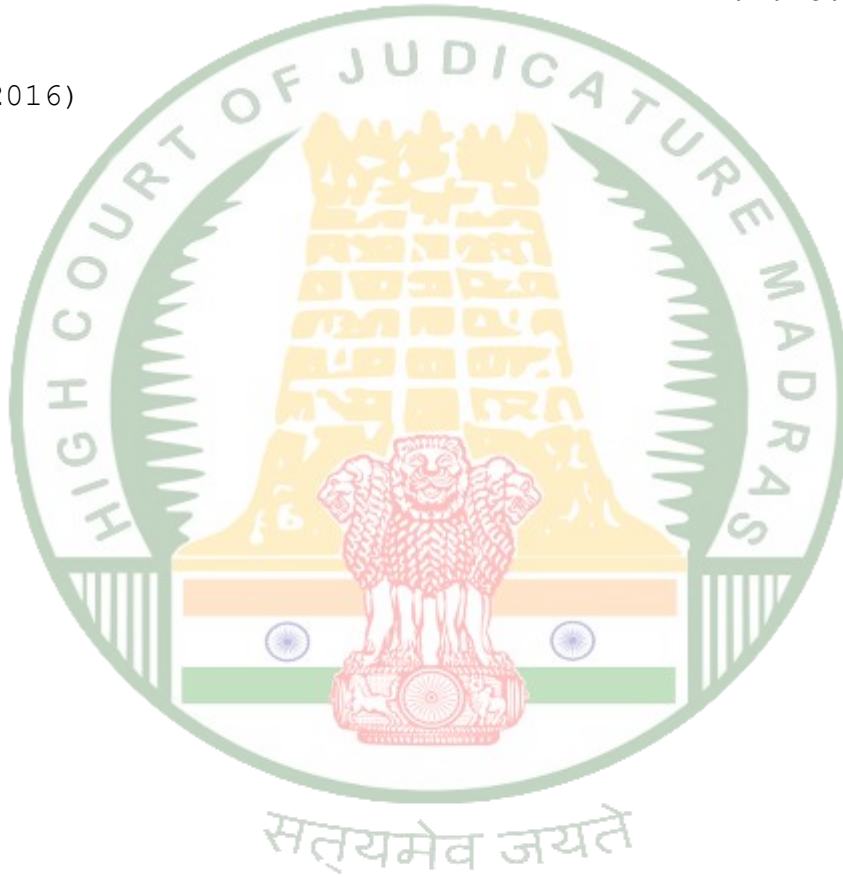
2. The District Collector,
Erode District,
Erode - 638 001.

3. The Divisional Excise Officer,
Erode Taluk Office Compound,
Erode.

+1cc to Mr.S.Ramesh Kumar, Advocate, S.R.No.28990
+1cc to the Government Pleader, S.R.No.29204

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&
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GR (CO)
CA(10/06/2016)



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