IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.11268 of 2004
&
W.P.M.P.No.13217 of 2004

M/s.Steel Mould
14-A, Ennore High Road
Thiruvottiyur
Chennai - 600 019 .. Petitioner

Vs.

1. The Assistant Commissioner (CT)
   Zone VIII
   PAPJM Building
   Greams Road
   Chennai - 600 006

2. The General Manager
   District Industries Centre
   Department of Industries and Commerce
   Chengelpattu MGR District
   Guindy
   Chennai - 32

3. The Commercial Tax Officer
   Thiruvottiyur Asst Circle
   Chennai .. 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 of the first respondent in R.C.9305/97/A3 and quash the impugned proceedings dated 17.11.2003.

For Petitioner: Mr.S.Ravee Kumar

For Respondents: Mr.V.Haribabau
Additional Government Pleader for R1&R3
Mr.M.L.Mahendran
Government Advocate for R2

O R D E R

Heard Mr.S.Ravee Kumar, learned counsel for the petitioner, Mr.V.Haribabu, learned Additional Government Pleader appearing for the respondents 1 and 3 and Mr.M.L.Mahendran, learned Government Advocate appearing for the second respondent.

2. The petitioner, who is a registered dealer under the erstwhile Tamil Nadu General Sales Tax Act, 1959 and Central Sales Act, 1956, has filed this writ petition challenging the order passed by the first respondent dated 17.11.2003 in and by which the defferal of sales tax for the period of nine years from 01.12.1992 to 30.11.2001 sanctioned to the petitioner was cancelled. At the time when the writ petition was entertained by this Court, an order of interim stay was granted on 23.04.2004. Till date, the respondents have not filed counter affidavit nor have given any instructions to the learned Additional Government Pleader.

3. The impugned order has been challenged on several grounds and the primary ground of challenge is that the impugned order is devoid of reasons. To consider this ground raised by the petitioner, it would be suffice to read the impugned order. On a perusal of the same it is seen that notice was issued to the petitioner calling for objection as to why the deferral of Sales Tax sanctioned vide proceedings dated 06.10.1993 under Section 17-A of the Tamil Nadu General Sales Tax Act, should not be cancelled. The petitioner has filed objections under letters dated 03.08.2000 and 11.05.2001. However, the first respondent has rejected the same in a single line by stating that the objections filed by the petitioner are not acceptable. This court is of the view that the respondent has abdicated his statutory power and acted in a most arbitrary and unreasonable manner. An order devoid of reasons is a nullity in the eye of law and also against the settled legal principle. If it is applied to the instant case, the only conclusion that could be arrived at is to hold that the order is liable to be set aside merely on this ground and the petitioner is entitled to succeed.

In the light of the above, the writ petition is allowed and the impugned order dated 17.11.2003 is quashed leaving it open to the first respondent to initiate action in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Assistant Commissioner (CT),
   Zone VIII,
   PAPJM Building,
   Greams Road,
   Chennai - 600 006.

2. The General Manager,
   District Industries Centre,
   Department of Industries and Commerce,
   Chengelpattu MGR District,
   Guindy,
   Chennai - 32.

3. The Commercial Tax Officer,
   Thiruvottiyur Asst Circle,
   Chennai.

+1cc to the Special Government Pleader SR.34774
+1cc to M/S.Ravikumar, Advocate sR.34851

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ppa[co]
srg 04/07/2016