

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-02-2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.Nos.2529, 2530, 2531, 2532, 2533, 2534 and 2535 of 2016
and
WMP Nos.2158, 2159, 2160, 2161, 2162, 2163 and 2164 of 2016

Kasturi & Sons Limited
No.859, 860, Mount Road,
Chennai - 600 002,
represented by its
Chief Financial Officer and
Company Secretary,
N. Nambi Rajan

..Petitioner in all the writ petitions

vs

1. The Commercial Tax Officer,
Chintadripet Assessment Circle,
C.T. Annexe Building, 1st floor,
No.1, Greams Road,
Chennai - 600 006
2. The Joint Commissioner (CT),
Chennai (Central),
PAPJm Buildings,
Greams Road,
Chennai - 600 008
3. The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005
4. The Government of Tamil Nadu,
rep by its Secretary,
Commercial Taxes Department,
Fort St. George,
Chennai - 600 009

.. Respondent in all the writ petitions

Writ Petitions filed under Article 226 of the Constitution of India praying this Court to issue Writs of Certiorari to call for the records relating to the order passed by the first respondent in Order Nos.TIN /33970580006/2008-09;33970580006/2009-10; 33970580006/2010-11; 33970580006 / 2011-12;33970580006 /2012-13 ; 33970580006/ 2013-14 and 33970580006/2014-15 dated 28.12.2015 and quash the same.

For petitioner : Mr.J. Shankarraman
For respondent : Mr.S. Manoharan Sundaram
AGP

COMMON ORDER

The petitioner has filed the above writ petitions to issue Writs of Certiorari to call for the records relating to the order passed by the first respondent in Order Nos.TIN / 33970580006/2008-09;33970580006/2009-10; 33970580006/2010-11; 33970580006 / 2011-12;33970580006 /2012-13 ; 33970580006/ 2013-14 and 33970580006/2014-15 dated 28.12.2015 and quash the same.

2. The only grievance of the petitioner is that the petitioner was not furnished with the copies of the documents inspite of the requisition dated 03.08.2015. Further, the learned counsel for the petitioner submitted that the respondent should have passed the impugned order after furnishing the copies of the documents and giving an opportunity to the petitioner to put forth their case.

3. Mr.S. Manoharan Sundaram, learned Additional Government Pleader, taking notice for the respondent, submitted that the first respondent is willing to furnish the documents, sought for by the petitioner in their letter dated 3.8.2015 and in such an event, the first respondent may be directed to pass fresh order, after giving an opportunity to the petitioner.

4. Having regard to the submissions made by the learned counsel on either side, since the petitioner was not given an opportunity to make their submissions before the first respondent and also that the petitioner was not furnished with the copies of the documents, the impugned orders, passed by the first respondent are liable to be set aside and accordingly, the impugned order, passed by the first respondent dated 28.12.2015 are set aside. The first respondent is directed to furnish the documents, sought for by the petitioner in their letter dated 03.08.2015 and pass orders afresh, after giving an opportunity to the petitioner to put forth their case.

5. With these observations, all the writ petitions are allowed. No costs. Consequently, connected MPs are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Commercial Tax Officer,
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 3. The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005
 4. The Secretary,
Government of Tamil Nadu,
Commercial Taxes Department,
Fort St. George,
Chennai - 600 009
- + 7 ccs to M/s. J. Shankarraman, Advocate SR.7689, 7690, 7691,
7692, 7693, 7694, 7695.

W.P.Nos.2529, 2530, 2531, 2532,
2533, 2534 and 2535 of 2016

AD(CO)
Eu 08.02.2016