IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.11.2016

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

Writ Appeal Nos.1367 and 1368 of 2016
&
CMP Nos.17635/17657/2016

The Assistant Commissioner (CT),
Valluvarkottam Assessment Circle,
621, Anna Salai, Chennai-600 006. .. Appellant

Vs.

M/s. Althaf Shoes (P) Ltd.,
rep. by its Managing Director,
Althaf Ahmed,
Anugraha Apartments "C" Block,
1-A, 1st Floor, 19 Nungambakkam
High Road, Chennai 600 034. .. Respondent

Writ Appeals filed under Clause 15 of the Letters Patent against the common order passed by the learned single Judge in Writ Petition Nos.14349, 14350 of 2011, dated 12.10.2011. Writ petitions filed under Article 226 of the constitution of India praying for the issuance of Writs of Certiorari calling for the records of the Respondent in his proceedings in TIN NO.33581501381/2007-08 and 2008-09 dated 24.5.2011 respectively and quash the same as illegal.

For appellant : Mr.Kanmani Annamalai,
Standing Counsel for (Taxes)

COMMON JUDGMENT

(Judgment of the Court was delivered by
NOOTY.RAMAMOHANA RAO,J)

Both these Appeals are preferred under Clause 15 of the Letters Patent, by the Assistant Commissioner of Commercial Taxes, the Respondent in Writ Petition Nos. 14349 and 14350 of 2011, who seeks to challenge the correctness of the view taken by the learned single Judge in the common order rendered on 12.10.2011.

2. Perceptibly the question raised by the Department has in fact been answered by the Supreme Court, in State of Maharashtra vs. Suresh Trading Company (1998) Vol.109 Sales Tax Cases 439 in the following words:-

> "5. In our view, the High Court was right. A purchasing dealer is entitled by law to rely upon the certificate of registration of the selling dealer and to act upon it. Whatever may be the effect of a retrospective cancellation upon the selling dealer, it can have no effect upon any person who has acted upon the strength of a registration certificate when the registration was current. The argument on behalf of the department that it was the duty of persons dealing with registered dealers to find our whether a state of facts exists which would justify the cancellation of registration must be rejected. To accept it would be to nullify the provisions of the statute which entitle persons dealing with registered dealers to act upon the strength of registration certificates."

3. The learned single Judge has in fact subscribed to the same view and hence allowed the writ petition.

4. We fail to see any reason, much less a tenable one, to entertain these appeals against the view taken by the learned single Judge, which is a correct view of law.

5. Hence, both these appeals fail and they are accordingly dismissed at the admission stage. No costs. Consequently Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gr.

To

1. The Assistant Commissioner (CT)
Valluvarkottam Assessment Circle,
621, Anna Salai, Chennai-6.

+ 1 cc to Special Government Pleader, SR. 65001

W.A.Nos.1367 and 1368 of 2016

KS(CO)
Eu 03.02.17