

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.3164 of 2016

Tvl.Essa Garments
Rep.by its Proprietor,
S.Sadiqali,
No.10, Pushpa Nagar,
Power Garden, Tirupur - 641 604. .. Petitioner

Vs.

The Assistant Commissioner [CT] [FAC],
Bazaar Circle, Tirupur. .. Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to issue refund voucher for a value of Rs.2,28,17,035/- in accordance with the Government Order in G.O. [Ms]No.132 [CT&R] dated 11.10.2012.

For Petitioner : Mr.R.Senniappan

For Respondent : Mr.S.Manoharan Sundaram
Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner has made excess payment of Rs.3,84,47,560/- and as per the order of the Joint Commissioner [CT], Coimbatore an amount of Rs.1,56,30,525/- was given to the petitioner and for the balance amount of Rs.2,28,17,035/-, the petitioner has filed the present Writ Petition.

3.Heard the submissions of Mr.R.Senniappan, learned counsel appearing for the petitioner, Mr.S.Manoharan Sundaram, learned Additional Government Pleader, who accepts notice on behalf of

the respondent.

4.Learned counsel appearing for the petitioner submitted that the petitioner is entitled for refund of the amount as per G.O.[Ms]No.132 [CT&R] dated 11.10.2012. Since the request was not considered, the present Writ Petition has been filed.

5.Learned Additional Government Pleader appearing for the respondent submitted that if a representation is made by the petitioner in this regard, it will be considered by the respondent and pass necessary orders.

6.This Court, in the light of the above facts and circumstances, permits the petitioner to submit one more representation for refund amount of Rs.2,28,17,035/- to the respondent by enclosing a copy of this order as well as copy of the relevant records, within a period of two weeks from the date of receipt of a copy of this order. The respondent, on receipt of the same, is directed to consider the said representation and pass orders on merits and in accordance with law, within a period of four weeks therefrom.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sri

To

The Assistant Commissioner [CT] [FAC],
Bazaar Circle, Tirupur.

+1 CC to Mr.R.Senniappan, Advocate, sr.5725

+1 cc to Special Government Pleader, sr.6229 (17.02.2016)

kji co
kra 17.02.2016

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