In the High Court of Judicature at Madras

Dated : 03.11.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition Nos.38263 & 38264 of 2016
& WMP.Nos.32808 & 32809 of 2016

M/s.Steel Authority of India
Ltd., rep.by R.Ahalya Rajan
Assistant General Manager ...Petitioner in both wps.

Vs

1.The Joint Commissioner (CT)
(Appeals), Annexe Building,
III Floor, Greams Road, Chennai-6.

2.The Deputy Commissioner (CT)
(I), Large Tax Payers Unit,
34, Dugar Towers"Maisfall road,
Egmore, Chennai-8.

3.The Branch Manager, State Bank
of India,ssp Corpus, Salem-30.

4.The Branch Manager, Kotak
Mahindra Bank Ltd.,
No.804-817, 8th Floor Amlsadeep
14, Kastmba Garden Marg,
New Delhi-1. ...Respondents in both Wps.

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorari to call for the records on the file of the second respondent in CST.689072/2013-14 and CST.689072/2014-15 , both dated 25.10.2016 issued to respondents 3 and 4 respectively and quash the same as being invalid and illegal.

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For Petitioner : Mr.V.Srikanth
For Respondents 1 & 2 : Mr.K.Venkatesh, GA
For Respondent-3 : Ms.S.R.Sumathy

COMMON ORDER

Mr.K.Venkatesh, learned Government Advocate accepts notice for respondents 1 and 2. Ms.S.R.Sumathy, learned counsel accepts notice for the third respondent. Heard both. By consent, the writ petitions are taken up for joint disposal.

2. In both the writ petitions, the petitioner has challenged the communications dated 25.10.2016 issued by the Assessing Officer to respondents 3 and 4 respectively calling upon them to pay the amounts covered by the bank guarantees pending disposal of the appeals before the first respondent, which appeals have been filed challenging the assessment orders passed by the second respondent for the years 2013-14 and 2014-15 under the provisions of the Central Sales Tax Act, 1956.

3. It is not in dispute that the appeals were pending at the relevant point of time and arguments were advanced by the Authorized Representative of the petitioner and orders have been reserved by the first respondent on 26.10.2016. The petitioner had the benefit of an interim order subject to furnishing of bank guarantees. Therefore, the benefit of the order of stay should enure till the disposal of the appeals and if, in the meantime, the Assessing Officer recovers the tax, as quantified in the assessment orders, then the appeals themselves would become infructuous. Therefore, the impugned orders cannot be sustained for the above reasons.

4. Accordingly, the writ petitions are allowed, the impugned orders are set aside. No costs. Consequently, the above WMPs are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
1.The Joint Commissioner (CT) (Appeals),
CT. Annexe building, III Floor, Greams Road, Chennai-6.
2.The Deputy Commissioner (CT) (I), Large Tax Payers Unit,
34, “Dugar Towers”Marshall Road, Egmore,
Chennai-8.
3.The Branch Manager, State Bank of India, SSP Campus, Salem-30.

https://hcservices.ecourts.gov.in/hcservices/

4.The Branch Manager, Kotak Mahindra Bank Ltd.,No.804-817, 8th Floor Ambadeep, New Delhi-1.

+2cc to Mr.S.R. Sumathy Advocate, S.R.No.62536 & 62537
+1cc to Mr.C. Venkatraman, Advocate, S.R.No.62324

WP.Nos.38263 & 38264 of 2016&
WMP.Nos.32808 & 32809 of 2016

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HIGH COURT OF JUDICATURE MADRAS
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