

In the High Court of Judicature at Madras

Dated : 25.11.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.41522 of 2016 &
WMP.No.35511 of 2016

M/s.Chennai Poles Private Limited,
Represented by its Managing Director,
No.3, Koladi Road, Paruthipet,
Chennai - 600 071.Petitioner

Vs

The Deputy Commercial Tax Officer,
Ranipet Checkpost (Outward),
Sekadu - 682 115
Vellore District. Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the impugned proceedings of the respondent in Goods Detention Notice No.2552 dated 22.11.2016 and consequential Notice in GDN.NO.2552/2016-2017 dated 22.11.2016 to quash the same and to further direct the respondent to release the detained consignment of 62 No's G.I.Octagonal Pole and vehicle bearing No.KA-08-7337 to the petitioner without imposing any condition of payment of advance tax and two times of the tax as compounding fee.

For Petitioner : Mr.B.Singaravelu

For Respondent : Mr.S.Kanmani Annamalai

Additional Government Pleader

ORDER

Heard Mr.B.Singaravelu, learned counsel for the petitioner and Mr.S.Kanmani Annamalai, learned Additional Government Pleader accepting notice for the respondent and with their consent, the writ petition itself is taken up for final disposal.

2.In this writ petition, the petitioner challenges a Goods Detention Notice-cum-Compounding Notice, in and by which, the goods transported by the petitioner have been detained by the respondent on the ground that the documents which were accompanied the goods were defective.

3.The learned counsel for the petitioner submitted that though the reasons assigned in the Detention Notice are not correct, since the goods are urgently to be transported, they are ready and willing to pay the one time tax.

4.The learned Additional Government Pleader for the respondent submits that if one time tax is paid by the petitioner, appropriate orders may be passed.

5.Accordingly, there will be a direction to the petitioner to pay the one time tax which has been quantified at Rs. 38,640/- and on payment of the same, the goods shall forthwith be released thereafter. Liberty is granted to the petitioner to file a revision before the concerned Joint Commissioner challenging the impugned Detention Notice-cum-Compounding Notice.

6.With the above direction , the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

The Deputy Commercial Tax Officer,
Ranipet Checkpost (Outward),
Sekadu - 682 115
Vellore District.

+1 cc to Mr.B.Singaravelu, advocate,sr.68964

+1 cc to Spl.Government pleader,sr.69224.

sm(co)
krd 25/11

WP.No.41522 of 2016

WEB COPY