

In the High Court of Judicature at Madras

Dated: 21.12.2016

Coram

The Honourable Mr.JUSTICE RAJIV SHAKDHER

Writ Petition Nos.43917 to 43922 of 2016

Tvl.IGP Engineers Pvt. Ltd.,
represented by its General Manager
79, Valmiki Street,
Thiruvanmiyur, Chennai - 600 041.

..... Petitioner in the above W.P.s

Vs.

The Deputy Commercial Tax Officer,
Ranipet (in) Checkpost,
Sekadu.

..... Respondent in the above W.Ps.

PETITIONS filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the respondent in his Notice in Goods Detention No.2220 to 2225/2016-17 dated 13.12.2016 and consequent notice dated 14.12.2016 and quash the same and direct the respondent to release the goods.

For Petitioner : Mr.Adithya Reddy

For Respondents : Mr.K.Venkatesh, G.A.

सत्यमेव जयते
C O M M O N O R D E R

1. Issue Notice. Mr.K.Venkatesh, accepts notice for the respondent.

2. With the consent of counsel for parties, the Writ Petitions are taken up for final hearing and disposal.

3. By virtue of the captioned Writ Petitions, challenge is laid by the petitioner to six (6) separate detention notices of even date, i.e., 13.12.2016 and the consequent six (6) separate compounding notices of even date, i.e., 14.12.2016.

4. The common ground between the parties is that the detention of the subject goods, which comprises of six (6) consignments of carbon steel sheets came about, as the transporter was not carrying "on-line Form JJ".

5. Counsel for the petitioner says that though, the on-line Form JJ is not applicable to the petitioner's case, in order to cut short the controversy, the relevant form has been generated from the Department's website, albeit, after the date of issuance of the aforementioned impugned notices. Learned counsel says that, if permitted, the said forms can be furnished to the respondent.

5.1. I have put the request made by learned counsel for the petitioner to Mr.Venkatesh. Mr.Venkatesh says that if the on-line Form JJ is submitted, the matter can be re-examined.

6. Accordingly, the respondent is directed to accept the on-line Form JJ, which the petitioner intends to submit before him. Upon receipt of the said form, the respondent will pass a fresh order in the matter.

7. Resultantly, the impugned detention notices and the compounding notices are set aside with liberty to the respondent to pass fresh orders, albeit, in accordance with law, as indicated above.

8. For this purpose, the representative of the petitioner will appear before the respondent on 22.12.2016 at 11.00 a.m.

9. The respondent will pass a fresh order on or before 26.12.2016.

10. The Writ Petitions are, consequently, disposed of with the aforesaid direction, leaving the parties to bear the costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

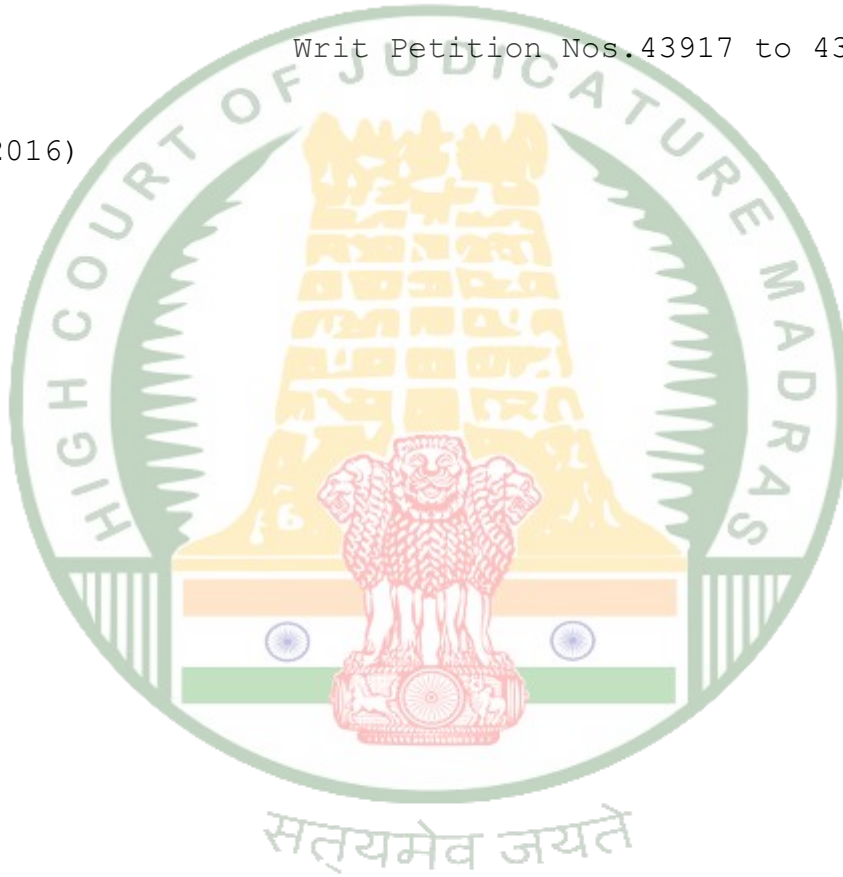
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To
The Deputy Commercial Tax Officer,
Ranipet (in) Checkpost,
Sekadu.

+lcc to Special Government Pleader, S.R.No.74665
+lcc to Mr.Adithya Reddy, Advocate, S.R.No.74487

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