

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5652 of 2016 and
W.M.P.No.5011 of 2016

M/s.FUSION
rep by its Managing Partner
A.R.Devarajan,
S/o A.D.Raman,
F-14, Gemini Parsn Apartment,
No.4448-A/599, Cathedral Road,
Mount Road, Chennai - 600 006. Petitioner

Vs.

The Commercial Tax Officer,
Nanganallur Assessment Circle,
No.30, Medavakkam Main Road,
Madipakkam, Chennai - 600 091. Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to take into consideration the various representations/replies dated 23.12.2014, 05.01.2015, 23.12.2014, 12.01.2015, 20.01.2015, 04.02.2015, 06.10.2015, 10.02.2015 and 22.01.2016 along with the documents produced / to be produced by the petitioner after affording an opportunity of personal hearing to the petitioner and pass a reasoned order on merits in accordance with law.

For Petitioner : Mr.K.V.Subramanian, Senior Counsel
for Mr.R.Jagadeesan
for M/s.K.V.Subramanian Associates

For Respondent : Mr.S.Kanmani Annamalai,
Additional Government Pleader (Tax)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to take into consideration the various representations/replies dated 23.12.2014, 05.01.2015, 23.12.2014, 12.01.2015, 20.01.2015, 04.02.2015, 06.10.2015, 10.02.2015 and 22.01.2016 along with the documents produced/to be produced by the petitioner after affording an opportunity of personal hearing to the petitioner and pass a reasoned order on merits in accordance with law.

2.It is the case of the petitioner that though the petitioner had produced a portion of the 'C' Forms, the respondent has not considered the same. That apart, the petitioner is also in possession of the other 'C' Forms, which should be produced before the respondent.

3.Mr.S.Kanmani Annamalai, learned Additional Government Pleader (Tax) appearing for the respondent submitted that the respondent may be directed to consider the 'C' Forms that were already produced and the 'C' Forms to be produced and decide the matter afresh, after affording an opportunity of personal hearing.

4.Having regard to the submissions made by the learned counsel on either side, I direct the respondent to receive the 'C' Forms to be produced by the petitioner and consider all the 'C' Forms that were already produced and decide the matter afresh, after affording an opportunity of personal hearing to the petitioner. The respondent is also directed to consider the petitioner's representations dated 23.12.2014, 05.01.2015, 23.12.2014, 12.01.2015, 20.01.2015, 04.02.2015, 06.10.2015, 10.02.2015 and 22.01.2016 along with the documents within a period of four weeks from the date of receipt of a copy of this order.

5.With this observation, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

va
To
The Commercial Tax Officer,
Nanganallur Assessment Circle,
No.30, Medavakkam Main Road,
Madipakkam, Chennai - 600 091.

+1cc to M/s.K.V. Subramanian, Advocate, S.R.No.9860
+1cc to the Government Pleader, S.R.No.9873

UG(CO)
EU(18/02/2016)

W.P.No.5652 of 2016 and
W.M.P.No.5011 of 2016