

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26601 of 2004

M/s.Asian Bearing Ltd.,
New No.25, Old No.14
Peters Road
Royapettah
Chennai - 600 014

... Petitioner

vs.

Commercial Tax Officer
Royapettah II Assessment Circle
No.46, Chamiers Road
Chennai - 28

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondent from initiating any coercive recovery action as contemplated under notice in Ref.No.T/0780141/2003-04 dated 13.09.2004.

For Petitioner :Mr.V.Kuberan for
M/S.Rank Associates

For Respondent :Mr.Manoharan Sundaram
Additional Government Pleader

O R D E R
सत्यमेव जयते

This writ petition was filed in year 2004 by the petitioner company to forbear the respondent from taking action against the petitioner on the ground that they have approached the Board of Industrial and Financial Reconstruction (BIFR) for formulating a rehabilitation scheme as the petitioner had become a sick industrial company. The BIFR by proceedings dated 11.02.2003 rejected the reference, as against which the petitioner has filed an appeal before the Appellate Authority for Industrial and Financial Reconstruction (AAIFR) and the same is pending since 2003.

2. Mr.V.Kuberan, learned counsel for the petitioner, on written instructions from his client dated 20.05.2016, states

that the matter is still pending before the AAI FR and the next date of hearing is 27.05.2016. Since the petitioner had the benefit of an interim order, it would inequitable at this juncture to disturb status-quo and therefore, this Court is of the view that whatever interim protection the petitioner had been enjoying all these years shall enure to them till the matter is decided by the AAI FR.

The writ petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Commercial Tax Officer,
Royapettach II Assessment Circle,
No.46, Chamiers Road,
Chennai - 28.

+1cc to the Special Government Pleader Sr.30854
+1cc to M/S.Rank Associates, Advocate sr.31461

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