

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.38725 of 2003

and

W.P.M.P.No.46912 of 2003

M/s.Gomuki Spinning Mills (P) Ltd.,  
rep by its Managing Director,  
S.Subramaniam,  
NH-47, Kovai Main Road,  
Pallagoundenpalayam,  
Perundurai Taluk,  
Erode District. .... Petitioner

Vs.

1. The Assistant Commissioner  
of Commercial Taxes,  
Erode.
2. The Deputy Commercial Tax Officer,  
Perundurai. .... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of certiorari to call for the records on the file of the second respondent in his proceedings in Asst.No.2921164/AS dated 24.12.2003 and quash the same.

For Petitioner : Mrs.R.Hemalatha

For Respondents : Mr.S.Kanmani Annamalai,  
Additional Government Pleader

ORDER

Heard Mrs.R.Hemalatha, learned counsel for the petitioner and Mr.S.Kanmani Annamalai, learned Additional Government Pleader for the respondents.

2. The petitioner in this writ petition has challenged the notice issued by the second respondent claiming an amount of Rs.20,80,785/- being incorrectly availed IFST during the year 2000-01, 2001-02, 2002-03 and 2003-04. Though the writ petition was admitted on 31.12.2003, no interim order has been granted and no counter affidavit has been filed.

3. The counsel on either side are not in a position to report as to what is the present state of affairs. It appears that the learned counsel for the petitioner is unable to contact the petitioner. Thus, if any further proceedings have been initiated pursuant to the impugned notice and if still the matter is kept pending, then the second respondent shall consider the petitioner's reply dated 25.12.2003 and pass appropriate orders on merit and in accordance with law. However, if further action has already been initiated against the petitioner pursuant to the impugned notice, it is open to the petitioner to work out their remedy in the manner provided under the statute. The writ petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Assistant Commissioner  
of Commercial Taxes,  
Erode.

2. The Deputy Commercial Tax Officer,  
Perundurai.

+1cc to Mrs.R.Hemalatha, Advocate, S.R.No.32984  
+1cc to the Special Government Pleader(T), S.R.No.33343

W.P.No.38725 of 2003

KGK(CO)  
CA(27/06/2016)