



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Seventh day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.MANIKUMAR
and
The Hon`ble Mr.Justice C.T.SELVAM

CMP(MD) Nos.1420 to 1423 of 2016

IN

WA(MD) No.SR2234,2239, 2249 and 2244 of 2016

M/S.NAKODA AGENCIES

REP BY ITS PROPRIETOR - G.PAWAN KUMAR,

NO.54/H/5, DIAMOND BAZAAR,

TRICHY -620 002.

... PETITIONER IN ALL PETITIONS/APPELLANT

Vs

THE ASSISTANT COMMISSIONER(CT)

SINGARATHOPE ASSESSMENT CIRCLE,

TRICHY -620 020.

... RESPONDENT IN ALL PETITIONS/RESPONDENT

Petitions filed under Section 5 of Limitation Act, praying this Court to condone the delay of 45 days in the filing of the above Writ Appeal(MD)SR.Nos.2234, 2239, 2249 and 2244 of 2016.

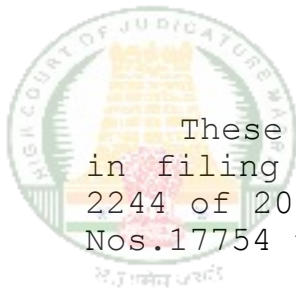
Writ Appeal(MD)SR.Nos.2234, 2239, 2249 and 2244 of 2016:-

Appeals filed under Clause 15 of Letters Patent, against the Order passed by this Court in WP(MD)Nos.17754, 17755, 17757 and 17756 of 2015 dated 01/10/2015.

Common Prayer in WP(MD)Nos.17754, 17755, 17756 and 17757/2015:

Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records on the file of the respondent in his impugned proceeding in TIN: 33223581453/2011-2012, 2012-2013, 2014-2015 and 2013-2014 respectively , dated 27.07.2015 quash the same which is contrary to the provisions of the Act.

ORDER : Petitions coming on for hearing on this day, upon perusing the Petitions and the Affidavits filed in support thereof and upon hearing the arguments of M/S. R.HEMALATHA, Advocate for the petitioner and of Mr.V.R.Shanmuganathan, Special Government Pleader on behalf of the Respondents the Court made the following order:-



ORDER

(Order of the Court was made by S.MANIKUMAR, J.)

These petitions have been filed to condone the delay of 45 days in filing the writ appeals in W.A.(MD)SR.Nos.2234, 2239, 2249 and 2244 of 2016 respectively, against the common order made in W.P.(MD) Nos.17754 to 17757 of 2015 dated 01.10.2015.

2.The only challenge in the appeals is that while setting aside the orders of the Assistant Commissioner (CT), Singarathope Assessment Circle, Trichy, in his proceedings in TIN 33223581453/2011-2012, 2012-2013, 2013-2014 and 2014-2015, respectively dated 27.07.2015, whether the Writ Court is right in directing the appellant / assessee to pay 20% of the disputed tax amount with the respondent.

3.Considering the limited challenge, Mr.VR.Shanmuganathan, learned Special Government Pleader, took notice to get instructions as to whether the appeals could be taken up for hearing. Relying upon the order made in W.A.(MD)Nos.29 and 30 of 2016 dated 21.01.2016, by the Hon'ble First Bench of this Court, Mr.VR.Shanmuganathan, learned Special Government Pleader, submitted that the orders directing payment of 20% of the disputed tax, have been set aside. He further submitted that he has no objection for the delay being condoned, and that an order similar to one passed in W.A.(MD)Nos.29 and 30 of 2016 dated 21.01.2016, be passed.

4.Heard the learned counsel appearing on both the parties.

5.We are satisfied with the reasons assigned for condoning the delay, and accordingly delay is condoned.

Sd/-

Assistant Registrar(AE)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE ASSISTANT COMMISSIONER, (CT)
SINGARATHOPE ASSESSMENT CIRCLE, TRICHY -020.
KM
RL/2C/GSV/PM/SARI/1/4/2016

ORDER Date :07/03/2016
ORDER
CMP(MD) Nos.1420 to 1423
of 2016
IN
WA(MD) No.SR2234,2239, 2249
and 2244 of 2016
GIVING DIRECTIONS AND ETC
AS STATED WITHIN