

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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W.P.No.8326 of 2009
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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Sri M.V.J.K.Kumar, learned counsel for the petitioner, would submit that the cause in the writ petition no longer survives, except to the limited extent that M/s.Rail Vikas Nigam Limited (4th respondent herein) had informed the petitioner, by letter dated 29.09.2015, that the amount deducted from their bills towards VAT has not been remitted to the commercial tax authorities in view of the order passed by this Court in W.P.No.8326 of 2009 and W.P.M.P.No.10892 of 2009 dated 22.04.2009, though assessment orders have been passed; and, unless the High Court directs refund, the same cannot be refunded by them to the petitioner. The petitioner was advised to get an order copy from the High Court to this effect.

While admitting W.P.No.8326 of 2009 this Court, by order dated 22.04.2009 in W.P.M.P.No.10892 of 2009, merely observed that remittance of the amount by the 4th respondent to the tax authorities would be subject to further orders. This Court neither directed the 4th respondent to deduct tax at source nor did it bar them from remitting the same to the Commercial Tax Department. The understanding of the 4th respondent, in their letter dated 29.09.2015, that the amount has not been remitted to the Commercial Tax Authorities as per the orders of the High Court is erroneous, as no such orders have been passed by this Court.

The petitioner's grievance against the 4th respondent cannot, however, be examined in the present writ proceedings, as no such relief

has been sought for. Needless to state that it is open to the petitioner to work out their remedies, in the light of the observations made hereinabove, in accordance with law.

The writ petition is, therefore, dismissed as infructuous. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M. SATYANARAYANA MURTHY, J

Date: 05.01.2016

Note: Issue C.C. in two (2) days.

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