

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No. 9272 of 2017

Tvl.Murugan Garments,
Rep.by its proprietor,
K.Ayyasamy,
No.15/3, SNVS Layout 1st street,
Kongu Main Road,
Tiruppur - 7. Petitioner

Vs.

The Assistant Commissioner (CT) (FAC),
Kongunagar Assessment Circle,
Tiruppur. Respondent

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to refund back the excess payment of Rs.17,27,872-00 as requested vide representations dated 25.1.2017 and 7.3.2017.

For Petitioner: Mr.R.Seeniappan

For Respondent : Mr.K.Venkatesh
Government Advocate

सत्यमेव जयते
O R D E R

The petitioner seeks for a Mandamus, directing the respondent to refund the excess payment of Rs.17,27,872/- by considering their representations dated 25.01.2017 and 07.03.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3. It is not in dispute that the re-assessment proceedings is still pending, in pursuant to the order passed by this Court, setting aside the original order of assessment. Unless and until the said re-assessment proceedings are completed, the present

request of the petitioner for refund of the excess amount paid by them, cannot be considered. Needless to say that the petitioner can workout their remedy once the re-assessment order is passed by the Assessing Authority. Therefore, this Court, considers the present request of the petitioner as premature. Accordingly, this writ petition is disposed of, with liberty to the petitioner to agitate the matter as and when an occasion arises, for doing so. No costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

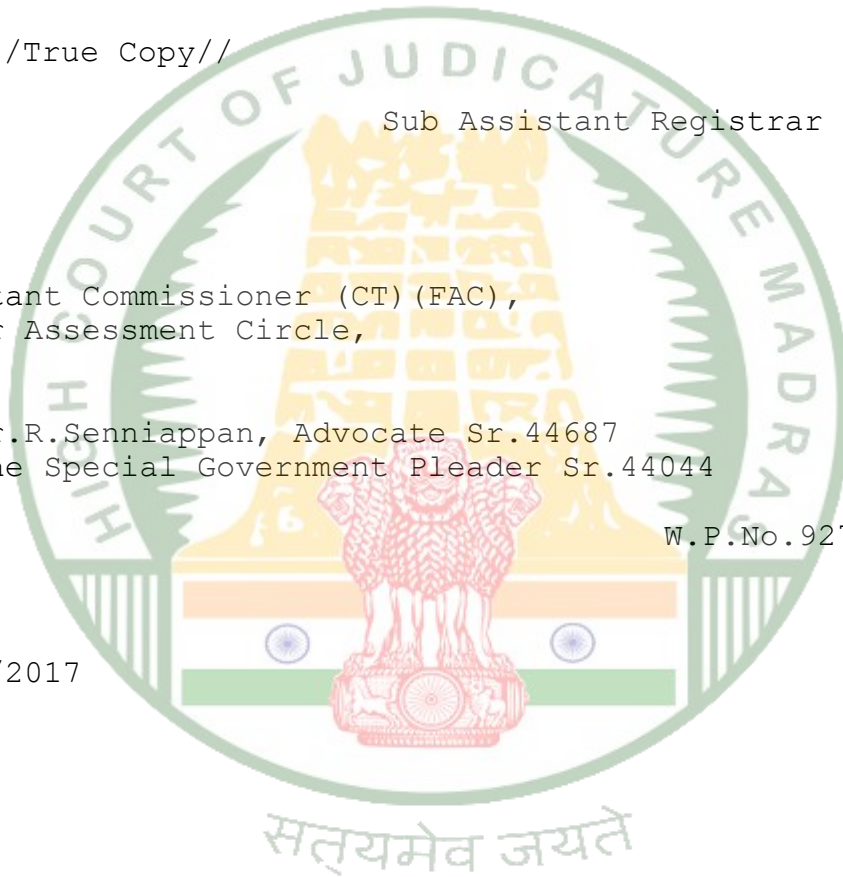
mk/ms
To

The Assistant Commissioner (CT) (FAC),
Kongunagar Assessment Circle,
Tiruppur.

+lcc to Mr.R.Senniappan, Advocate Sr.44687
+lcc to the Special Government Pleader Sr.44044

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