IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.7614 of 2017
and
W.M.P.No.8311 of 2017

SJLT Textiles (P) Ltd - Unit II
Rep. by its Managing Director
Mr.V.Jagatheesan ...Petitioner

Vs.

Commercial Tax Officer (ENF)
Vellore Roving Squad
Vellore.
... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the impugned proceedings of the respondent passed in GDN No.655/2016-17 dated 21.03.2017 and quash the same and further direct the respondent to release the consignment at once.

For Petitioner: Mr.B.Sivaraman
For Respondent : Mr. S.Kanmani Annamalai
Additional Government Pleader (Tax)

O R D E R

Mr.S.Kanmani Annamalai, learned Additional Government Pleader (Tax), takes notice on behalf of the respondent. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the Goods Detention Notice dated 21.03.2017. It is seen that the petitioner's goods were detained by the respondent, followed by issuance of the Goods Detention Notice impugned in the writ petition, stating certain reasons in the above said proceedings. It is further seen that in pursuant to the said notice, the respondent has also issued compounding notice dated 22.03.2017, fixing the tax liability of Rs.1,27,734/- and a compounding fee of Rs.2,55,467/-

3. According to the learned counsel appearing for the

petitioner, there is no violation of any rules, consequently, the petitioner is not liable to pay the impugned demand. However, as the petitioner is willing to get the goods released, without prejudice to their rights, to agitate the matter before the Revisional Authority, the petitioner has come forward to pay one time tax liability of Rs.1,25,734/-.

4. The learned Additional Government Pleader (Tax) appearing for the respondent submitted that the petitioner can agitate the matter before the Revisional Authority, challenging the imposition of tax and compounding fee.

5. Since the petitioner has come forward to pay one time tax liability, however, without prejudice to their contention to be raised before the Revisional Authority, this Court is of the view that it would suffice for the present to direct the respondent to release the goods on receipt of such one time tax liability, however by giving liberty to the petitioner, to agitate the matter before the Revisional Authority against very imposition of tax and compounding fee.

6. Accordingly, this writ petition is disposed of, by directing the petitioner to pay one time tax liability of Rs.1,25,734/- to the concerned Assessing Officer namely, Assistant Commercial Tax Officer, Namakkal Assessment Circle, Namakkal, immediately on receipt of a copy of this order. After making such payment, the petitioner shall produce the proof of such payment before the respondent. On receipt of such proof, the respondent shall release the goods detained forthwith. It is open to the petitioner to challenge the impugned demand of tax and compounding fee, before the Revisional Authority in a manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

mk
Sub Assistant Registrar

To
The Commercial Tax Officer (ENF)
Vellore Roving Squad
Vellore.

+1cc to Mr.Sivaraman, Advocate, S.R.No.19058
+1cc to the Government Pleader, S.R.No.19220

W.P.No.7614 of 2017

PA(CO)
RS(28/03/2017)