

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHNDRABAABU

Writ Petition No.9782 of 2017
and
WMP.Nos.10764 & 10765 of 2017

M/s.Zarhak Steels Private Limited
Plot No.C-25, Taloja MIDC,
Taluk Panvel, District Raigad,
Pin Code - 410 208.
Maharashtra State. ...Petitioner
Vs.

The Deputy Commercial Tax Officer
Ranipet Check Post (Outward)
Serkadu, Vellore District. ...Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, by calling upon the connected records of the detention notice G.D.No.2600/2016-17 dated 29.03.2017 passed by the respondent herein and quash the same and consequently direct the respondent herein to release the goods without insisting any payment of tax and compounding fee.

For Petitioner : Mr.Manoharan S.Sundaram
For Respondent : Mr.K.Venkatesh
Government Advocate

ORDER

This writ petition is filed challenging the impugned proceedings dated 29.03.2017, calling upon the petitioner to pay the one time tax and compounding fee, in pursuant to the detention of the goods for certain reasons set out in the impugned proceedings.

2. Mr.K.Venkatesh, learned Government Advocate takes notice for the respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that the subject matter goods were sold in public auction by the Union Bank of India, in pursuant to the SARFAESI

proceedings and the said Bank has also paid the tax of Rs.1,57,460/-. Therefore, he contended that there is no necessity for detaining the goods as liability to pay the tax does not arise.

4. The learned Government Advocate submitted that the petitioner has made a request in writing on 08.04.2017 for release of the goods and such request will be considered and order will be passed immediately by the respondent.

5. Therefore, this writ petition is disposed of, by directing the respondent to consider the representation of the petitioner dated 08.04.2017 and pass orders on the same, after hearing the petitioner and also by considering the letter issued by the Union Bank of India dated 17.04.2017 to the respondent. The respondent shall pass such order immediately at any event on or before 24.04.2017. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

mk

To

The Deputy Commercial Tax Officer
Ranipet Check Post (Outward)
Serkadu, Vellore District.

+1cc to Mr. Manoharan Sundaram, Advocate Sr. 23871

+1cc to the Special Government Pleader (Taxes) Sr. 24095

Writ Petition No.9782 of 2017

MV(CO)
VR(20/4/2017)

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