

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2017

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
and
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.A.No.230 of 2017
and
C.M.P.No.3811 of 2017

M/s.Fitness One Group India Limited
represented by its Managing Director,
Shri.ArunKathiresan,
17, Lakshmi Street, Kilpauk,
Chennai-600 010. Appellant/Petitioner

Vs.

The Commissioner of Service Tax-I,
Newry Road Towers, 2054-I, II Avenue,
12th Main Road, Anna Nagar,
Chennai-600 040. Respondent/Respondent

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent,
against the Order dated 01.11.2016, in W.P.No.37774 of 2016.

Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari to call for the records
pertaining to the impugned order dated 22/09/2016 in Final order
No.691/2016 ST Passed by the First respondent and quash the same.

For Appellant : Mr.Hari Radhakrishnan

For Respondent : Mr.A.P.Srinivas,
Standing Counsel

WEB COPY
J U D G M E N T

(Judgment of the Court was delivered by RAJIV SHAKDHER,J.)

1. The captioned writ appeal is directed against the order
dated 01.11.2016, passed by the learned Single Judge.

1.1. By the impugned judgement, the learned Single Judge
repelled the appellant's challenge to the final order of the
Settlement Commission dated 22.09.2016.

2. To be noted, the appellant was issued a Show Cause Notice (in short, "SCN") with respect to five (5) aspects. These aspects are referred to in a tabular form in paragraph 5.2. of the order passed by the Settlement Commission.

3. Learned counsel for the appellant submits that the main issue, which is raised qua the order of the Settlement Commission stands covered by a judgement of this Court dated 18.04.2017, passed in C.M.A.No.1226 of 2015, titled : M/s.Ruchika Global Interlinks V. The Customs, Excise and Service Tax Appellate Tribunal, South Regional Bench and another.

3.1. It is, therefore, the submission of the learned counsel for the appellant that he would like to withdraw the appeal, with liberty to approach the Settlement Commission, with regard to the other outstanding issues.

4. In these circumstances, as prayed, the writ appeal is dismissed as withdrawn, with liberty to approach the Settlement Commission, with regard to the outstanding issues, albeit, in accordance with law. Resultantly, pending application shall stand closed.

5. There shall, however, be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

TO

The Commissioner of Service Tax-I,
Newry Road Towers, 2054-I, II Avenue,
12th Main Road, Anna Nagar,
Chennai-600 040.

+1cc to Mr.Radhakrishnan, Advocate SR.No.46042
+1cc to A.P.Srinivas, Advocate SR.No.45671

W.A.No.230 of 2017

SJ(CO)
GN(11/07/2017)