

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU.

Writ Petition No.11396 of 2017

M/s.Babu Engineering Corporation
Rep. by its Managing Partner - P.V.Pillai
C-8, Kundan Tank Street,
Block-II, Neyveli - 607 803,
Cuddalore District. ... Petitioner

Vs.

The Commercial Tax Officer
Cuddalore Taluk Circle
Cuddalore - 607 001
Cuddalore District. ... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondent to refund the excess ITC of Rs.1,49,69,083/- to the petitioner as per the letter dated 20.03.2017.

For Petitioner: Mrs.R.Hemalatha
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 for the respondent. The petitioner seeks for a writ of mandamus, directing the respondent to refund the excess ITC of Rs.1,49,69,083/-.

2. According to the petitioner, they have made the said excess payment and therefore, the petitioner is entitled to refund. Ventilating such request, the petitioner has given a letter on 20.03.2017. Whether the petitioner is entitled for refund of the excess payment of ITC or not, is for the respondent to consider and decide.

3. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner. As it is stated that the petitioner's request made on 20.03.2017 is still

pending before the respondent, this writ petition is disposed of, by directing the respondent to consider the said request and pass orders on the same on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

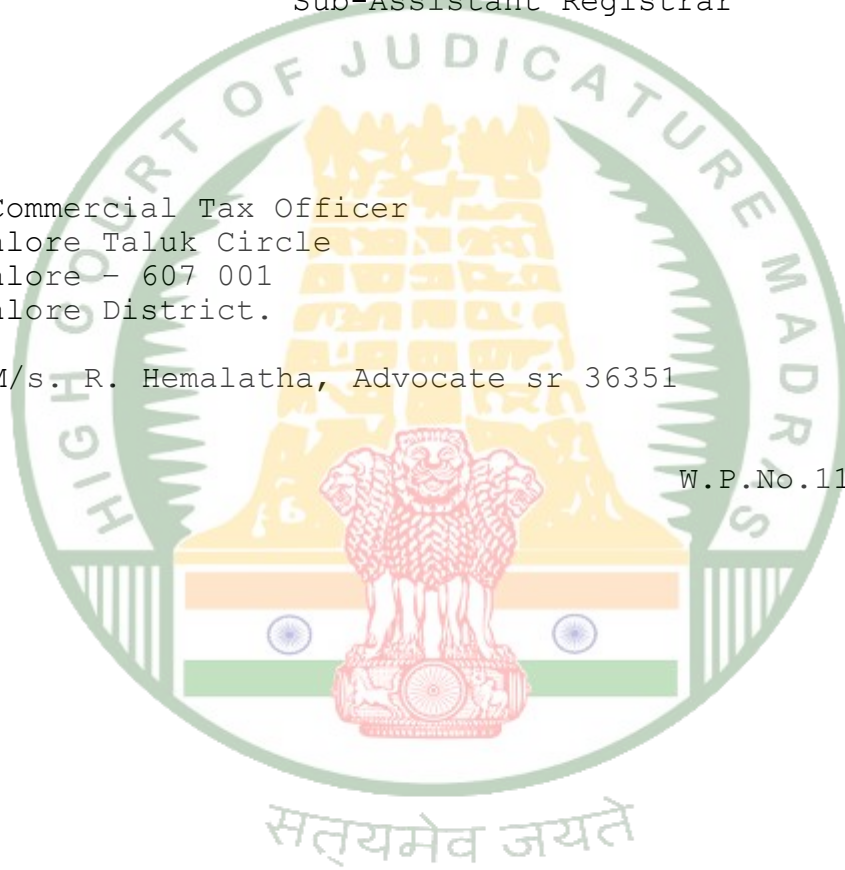
To

The Commercial Tax Officer
Cuddalore Taluk Circle
Cuddalore - 607 001
Cuddalore District.

+1 CC to M/s. R. Hemalatha, Advocate sr 36351

W.P.No.11396 of 2017

RJ(CO)
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