IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.11575 of 2017
and
W.M.P.No.12583 of 2017

M/s.Southern Spinners and Processors Limited
Represented by its Vice-President and Authorized Signatory
Mr.S.Raghuraman
Kumarakottam, Pattukonampatty PO
Pappireddipatty TK
Dharmapuri District - 636 905. .. Petitioner

-vs.-

1.The Deputy Commercial Tax Officer
Kandamangalam Checkpost
Lingareddupalayam

2.The Commercial Tax Officer
Harur Assessment Circle
Harur. .. Respondents

Prayer:
Writ petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of Certiorarified Mandamus to call for the impugned proceedings of the first respondent in GD.No.3777/2017-2018 dated 27.04.2017 and quash the same and further direct the first respondent to release detained consignment of Cotton Combed Compact Yarn to the petitioner without imposing any condition of payment of one time tax and two times tax as compounding fees.

For Petitioners : Mr.P.Rajkumar

For Respondents : Mr.Kanmani Annamalai,
Addl. Govt. Pleader (Taxes)

O R D E R

The petitioner is aggrieved against the goods detention notice dated 27.04.2017, wherein the subject matter goods were seized along with the vehicle on the reason set out in the notice.

2.According to the petitioner, they have not violated any rules and therefore, the goods detention notice is bad in law.

3.Learned Additional Government Pleader appearing for the respondents, based on instructions, submitted that in pursuant to the detention notice dated 26.04.2017, the respondent has issued a impugned notice on 27.04.2017, imposing tax liability at the rate of 5% amounting to Rs.1,11,550/- and compounding fee of Rs.2,23,100/-. Therefore, he submitted that the petitioner has to comply with such notice.

4.Learned counsel for the petitioner submitted that though the petitioner is not liable to pay any tax and compounding fee, however, for the purpose of getting the goods released immediately, the petitioner is willing to pay one time tax without prejudice to agitate the entire issue before the competent authority by way of revision. Therefore, he submitted that the respondent may be directed to release the goods immediately once the one time tax as quantified by the assessing officer is paid by the petitioner.

5.Considering the above stated facts and circumstances and considering the submissions made by the learned counsel for the petitioner, this writ petition is disposed of by directing the petitioner to pay one time tax as quantified by the assessing authority to the second respondent immediately on receipt of a copy of this order, however without prejudice to their contention and rights to be agitated before the revisional authority while challenging the imposition of tax and compounding fee. On production of receipt for such payment of one time tax, the first respondent shall release the goods and vehicle forthwith to the petitioner. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pgp

To

1. The Deputy Commercial Tax Officer,
   Kandamangalam Check post,
   Lingareddypalayam

2. The Commercial Tax Officer,
   Harur Assessment Circle,
   Harur.

+1cc to Mr.Raj kumar, Advocate, S.R.No.36729
+1cc to the Government Pleader, S.R.No.36758 (08/05/2017)

W.P.No.11575 of 2017

SI(CO)
RS(06/05/2017)