IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.27675 of 2017 and
W.M.P.Nos.29627 & 29628 of 2017

M/s.Steel Authority of India Limited,
Represented by R.Ahalya Rajan,
Assistant General Manager
(Finance and Accounts),
2, Kodambakkam High Road,
Chennai - 34. ... Petitioner

Vs.

1.The Joint Commissioner (CT) Appeals,
CT Annexure Buildings, III Floor,
Greams Road, Chennai - 6.

2.The Deputy Commissioner (CT) I,
Large Tax Payer Unit,
Chennai - 08. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records on the files of the 2nd respondent in TIN:33931560698/CST. 689072/1994-95 and 1995-96 dated 3.10.2017 and quash the same as being invalid and illegal and contrary to the principles stated by the Honourable Court in W.P.Nos.38263, 38264 of 2015 dated 3.11.2016 (M/s.Steel Authority of India Limited V. The Joint Commissioner (CT), Chennai and others).

For Petitioner : Mr.C.Venkatraman

For Respondents : Mr.K.Venkatesh
Government Advocate

ORDER

Heard C.Venkatraman, learned counsel for the petitioner and Mr.K.Venkatesh, learned Government Advocate accepts notice for respondents. By consent on either side, the writ petition is taken up for disposal.

2.In the writ petition, the petitioner has challenged the notice dated 03.10.2017 issued by the Assessing Officer calling upon them to pay the amounts covered by the bank guarantee pending disposal of the appeals before the 1st respondent, which appeals have been filed challenging the assessment orders passed by the 2nd respondent for the years 1994-1995 and 1995-1996 under the provisions of the Central Sales Tax Act, 1956.

3.It is not in dispute that the appeals were pending at the relevant point of time and arguments were advanced by the Authorized Representative of the petitioner and orders have been reserved by the 1st respondent. The petitioner had the benefit of an interim order subject to furnishing of bank guarantee. Therefore, the benefit of the order of stay should enure till the disposal of the appeals and if, in the meantime, the Assessing Officer recovers the tax, as quantified in the assessment order, then, the appeals themselves would become infructuous. Therefore, the impugned order cannot be sustained for the above reasons.

4.Accordingly, the Writ Petition is allowed and the impugned order is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

Sgl
To
1.The Joint Commissioner (CT) Appeals,
CT Annexure Buildings, III Floor,
Greams Road, Chennai - 6.

2.The Deputy Commissioner (CT) I,
Large Tax Payer Unit,
Chennai - 08.

+1 CC to Mr.C. Venkatraman, Advocate sr 76453

W.P.No27675 of 2017

SP(31/10/2017)