

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.35852 of 2007

M/s.Kailash Trade Links Pvt. Ltd.,
rep. by its Director-K.S.Kasi,
No.57, Orms Road, Kilpauk,
Chennai-600 010.

... Petitioner

Vs.

The Commercial Tax Officer,
Ayanavaram Assessment Circle,
Chennai.
Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, to direct the respondent to grant refund a sum of Rs.6,98,387/- forthwith to the petitioner as per the representation dated 06.08.2007.

For Petitioner : Mrs.R.Hemalatha

For Respondent : Mr.S.Kanmani Annamalai,
Additional Government Pleader

O R D E R

Heard Mrs.R.Hemalatha, learned counsel appearing for the petitioner and Mr.S.Kanmani Annamalai, learned Additional Government Pleader appearing for the respondent.

2.The petitioner is before this Court seeking for a direction upon the respondent to grant refund a sum of Rs.6,98,387/-, which according to the petitioner was paid during the pendency of an appeal before the Appellate Assistant Commissioner in A.P.No.127 of 2006, dated 22.09.2006. It is submitted that the appeal has been allowed, as against which, the revenue has filed further appeal before the appellate Tribunal and there is no stay of proceedings.

3.In the light of factual position, there will be a direction to the respondent to consider the petitioner's application for refund

and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner/authorized representative. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

abr

To

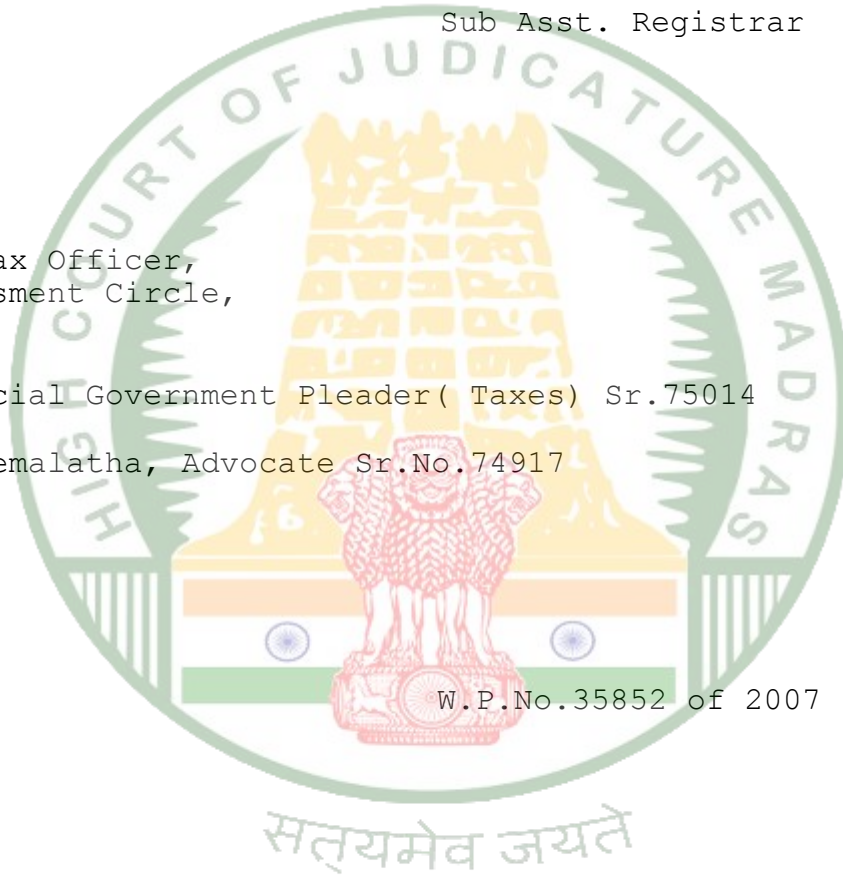
The Commercial Tax Officer,
Ayanavaram Assessment Circle,
Chennai.

+1 CC to The Special Government Pleader(Taxes) Sr.75014

+1 CC to Mrs.R.Hemalatha, Advocate Sr.No.74917

CO-

ths : 21.11.2017



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