IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: **31.07.2017**

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2406 of 2006

M/s.Madras Refineries Ltd.,
Now known as
M/s.Chennai Petroleum Corpn. Ltd.,
Manali, Chennai – 600 068 .. Petitioner

Vs.

1.The Assistant Commissioner (CT)
Fast Track Assessment Circle – IV
Greams Road, Chennai – 600 006

2.The State of Tamil Nadu
Rep. by its Secretary to the Government
Commercial Taxes and Religious
Endowments Department
Fort St. George
Chennai -9

3.The Petroleum, Planning & Analysis Cell
(Formerly known as Oil Co-ordination Committee)
Core & Scope Comple
Lodhi Road, New Delhi

4.M/s.Indian Oil Corporation Ltd.,
G-9, Ali Yavar Jung Marg, Bandra East
Mumbai – 400 051

5.M/s.Hindustan Petroleum Corporation Ltd.,
17, Jamshedji Tata Road, Mumbai- 400 020

6.M/s.Bharat Petroleum Corporation Ltd.,
Bharat Bhavan, 4 & 6 Currimboy Road
Ballard Estate, Bombay – 400 038

7.M/s.Kochi Refineries Ltd.,
PB No.2, Ambalamugal
Ernakulam District
Kerala-682 302

8.The Union of India
Rep. by its Secretary to the Government of India
Ministry of Petroleum and
Natural Gas, Shastri Bhavan, New Delhi .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records on the files of the first respondent herein in TNGST/72978/1987-88 dated 31.12.2002, quash the same as illegal and without jurisdition and violative of Article 265 of the Constitution of India and ultravires Entry 54, List II of the Seventh Schedule to the Constitution insofar as relating to imposing purchase tax under Section 7-A of the Tamil Nadu General Sales Tax Act, 1959 on "Crude Oil loan transaction"and the captive consumption of the petroleum products.

For Petitioner : Ms.Hema Muralikrishnan

For Respondent : Mr.K.Venkatesh
Government Advocate

ORDER

Heard Ms.Hema Muralikrishna, learned counsel for the petitioner and Mr.K.Venkatesh, learned Government Advocate appearing for the respondents.

2. The learned counsel for the petitioner submits that the legal issue involved in this case is squarely covered by the assessee's own case in ***Madras Refineries Ltd. Vs. Assistant Commissioner reported in***

(2010) 28 VST 417 (Mad), wherein it was held that the transaction in the name and style of "procedure for loan transaction of crude oil between the oil companies" pursuant to the procedure adopted by the oil co-ordination committee as a simple barter or loan transaction without the element of sale.

3. The learned counsel for the petitioner submitted that as against the said decision, no appeal was preferred by the Revenue.

Hence, following the said decision, this writ petition is allowed and the impugned order dated 31.12.2002 is quashed. No costs.

31.07.2017

Index: yes/no
Internet:yes
gpa

To

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