

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2017

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.36180 of 2004
and
W.P.M.P.No.43520 of 2004

M/s. Pullicar Mills Ltd.,
rep. by its Managing Director,
Sri. J.K.K.Muniraja ...Petitioner

Vs.

The Appellate Assistant Commissioner,
(CT) (FAC)
No.10, Poonguranar Street,
Karunkalpalayam, Erode.Respondent

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for record of the petitioner on the file of the respondent in MP No.18 of 2004, dated 18.08.2004, to quash the same.

For Petitioner : M/s. Subbaraya Aiyar Padmanaban
for M/s.Ramamani

For Respondent : M/s.K.Venkatesh
Government Advocate

O R D E R

Heard M/s. Subbaraya Aiyar Padmanaban, the learned counsel appearing for the petitioner and Mr.K.Venkatesh, learned Government Advocate for the respondent.

2. The petitioner is a sick industrial Company, and a Scheme for rehabilitation was sanctioned by the Board for Industrial Finance and Reconstruction (BIFR). The petitioner had sought for deferral, towards payment of sales tax, vide letters, dated 28.04.2003, 03.10.2003 and 28.01.2004, for the period 16.12.1999 to 15.12.2001. Though the Government has received the representations/letters, no orders were passed, and therefore, the petitioner filed a Writ Petition in W.P.No. 18350 of 2004, and the said Writ Petition was disposed of by this

Court, by order, dated 11.07.2017, by issuing a direction, directing the Government to consider the petitioner's request within a period of three months. The petitioner, in this Writ Petition has challenged the order passed by the Appellate Assistant Commissioner, (CT) (FAC), wherein, their request to waive the payment of 12% of the disputed tax was rejected.

4. At the time, when the Writ Petition was admitted, no interim order was granted, only notice was ordered in the Direction Petition. Thus, at this juncture, it may not be necessary to adjudicate the correctness of the impugned order, and it would suffice to direct the respondent to abide by the decision of the Government on the petitioner's request for deferral, if action has not already been taken.

5. The Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sd

To

The Appellate Assistant Commissioner,
(CT) (FAC)
No.10, Poonguranar Street,
Karunkalpalayam, Erode.

+ 1 cc to Mr. Subbaraya Aiyar Padmanaban, Advocate Sr.51193

सत्यमेव जयते

Writ Petition No.36180 of 2004

(CS-IV)

EU 8.08.17

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