



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2017

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD)No.20407 of 2017

and

W.M.P. (MD)No.16674 of 2017

Srinithi Engineering Works,
through its Proprietor,
M.S.Rajaraman (Aged 57),
S/o Subbu Naidu,
4/94,M, Ettayapuram Road,
Tuticorin.

... Petitioner

Vs.

The Commercial Tax Office,
Tuticorin Commercial Assessment (Main),
Tuticorin.

...Respondent

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records in TIN:33675921476/ 2014-2015, dated 17.10.2017, quash the same as illegal arbitratory and against provisions of TNVAT Act and direct the respondent to furnish the records relied in notice dated 21.09.2017 which lead to make him revision of assessment including the opportunity of being heard to the petitioner within such time as may be directed by this Court.

For Petitioner : Mr.K.A.Raamakrishnan
For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

The learned Counsel for the petitioner submits that the petitioner has an alternative remedy by way of an appeal before the Deputy Commissioner under Section 51 of Tamil Nadu Value Added Tax Act, 2006 and hence he seeks to withdraw this Writ Petition with liberty to avail such remedy and also he has made an endorsement to the effect.

2.Recording the same this Writ Petition is dismissed as withdrawn granting such liberty to the petitioner. The period from the date of filing this Writ Petition till today shall be excluded, while computing the period of limitation for preferring such appeal.



3.If the petitioner makes any application for staying the impugned order during the pendency of the appeal, recovery proceedings shall await orders of the Appellate Authority in such application. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Commercial Tax Office,
Tuticorin Commercial Assessment (Main),
Tuticorin.

Copy to

The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.A.Raamakrishnan, Advocate Sr.No.88143
+1cc to Spl.Government Pleader Sr.No.88201

TA

VB/GT/SAR3/05/11/2017/2P/5C

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