BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:**10.01.2017**
CORAM:
THE HONOURABLE **MR.JUSTICE S.VAIDYANATHAN**
W.P.(MD)No. 422 of 2017

M/s. Kalpataru Power Transmission Ltd.,
Rep.by its Authorised Signatory
Mr. Jeyendra Govindlal Shah,
2nd Floor, Bawa Building,
Kailasapuram North Street,
Tirunelveli Junction. ... Petitioner

Vs.

1.The Assistant Commissioner (CT),
Tirunelveli Junction Assessment Circle,
Tirunelveli.

2.The Assistant Commissioner (CT),
Palayamkottai Assessment Circle,
Tirunelveli. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to refund the amount of taxes paid in excess along with interest due thereon for the assessment Year 2006-07 as contemplated under section 42(5) of the Tamil Nadu Value Added Tax Act, 2006 read with rule 11(1) of the Tamil Nadu Value Added Tax Rules, 2007.

For Petitioner : Mr. R.D.Ganesan
For Respondents : Mr. R.Karthikeyan
Additional Government Pleader

O R D E R

This Writ Petition has been filed, seeking a direction to the 1st respondent to refund the amount of taxes paid in excess along with interest due thereon for the assessment Year 2006-07, as contemplated under section 42(5) of the Tamil Nadu Value Added Tax Act, 2006 read with rule 11(1) of the Tamil Nadu Value Added Tax Rules, 2007.

2. Heard the learned counsel on either side.

3. Considering the limited scope of the prayer made in this writ petition, without expressing any view on the claim made by the petitioner, the first respondent is directed to consider the representation of the petitioner, dated 26.12.2016 and pass appropriate orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, preferably on or before 28th February, 2017. It is needless say that while disposing of the representation for

refund of money, the interest due to the petitioner may also be considered, as per law.

4. Even though it has been represented by the learned Additional Government appearing for the respondents that revision of assessment has got to be done, that would not preclude them from considering the case independently *de hors* the revision of assessment.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To
1.The Assistant Commissioner (CT),
Tirunelveli Junction Assessment Circle,
Tirunelveli.

2.The Assistant Commissioner (CT),
Palayamkottai Assessment Circle,
Tirunelveli.
+1cc to Mr.R.D.Ganesan,Advocate sr no 2016
+1cc to Special Government Pleader sr no 2289
pm
ms skn mm 27 01 2017 2p 5c

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