



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

CONT.P(MD).No.472 of 2016

in

W.P.(MD)No.10545 of 2014

M/s.Jothi Brick Works,
Rep by its partner A.S.A.Fakkrudin,
40, Ameer Square Building,
Kailasapuram,
Tirunelveli.

..Petitioner/Petitioner

Vs.

J.Gopi Ranjith,
Assistant Commissioner-III,
Commercial Tax Office,
Beach Road,
Tuticorin - 628 008.

..Contemnor/respondent

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for the deliberate and wilful disobedience of the order passed by this Court, dated 01.07.2014, in W.P(MD).No.10545 of 2014.

Prayer in WP(MD). 10545/ 2014 :

Writ writ of Mandamus direct the respondent to give a refund of tax collected by the respondent without any authority of law along with eligible interest by considering the representation dted 2.5.2014 sent by the petitioner with in a stipulated time.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.R.Karthikeyan

Additional Government Pleader (Taxes)

ORDER

This contempt petition has been filed alleging disobedience of the order dated 01.07.2014 made in W.P(MD).No.10545 of 2014.

2.Heard Mr.M.Jerin Mathew, learned counsel appearing for the petitioner and Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondent.

3.Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondent would submit that the representation of the petitioner dated 11.12.2015 was considered by the respondent and due to non production of required documents, the refund of the amount was rejected by the respondent on 01.04.2016.



4.The learned counsel appearing for the petitioner would submit that the petitioner did not receive the notice of the respondent dated 23.11.2016 and therefore, he was not in a position to produce all the documents available with the petitioner and if the petitioner is given one more opportunity, he is ready to produce all the documents before the respondent.

4.In view of the submissions made by the learned counsels, this Contempt Petition is closed. However, liberty is given to the petitioner to produce all the documents before the respondent within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the respondent shall pass appropriate order afresh, after providing an opportunity to the petitioner.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

The Assistant Commissioner-III,
Commercial Tax Office,
Beach Road,
Tuticorin - 628 008.

+1cc to Mr.M.E.ILANGO, Advocate SR.No.66117

+1cc to the Special Government Pleader, SR.No. 66435

km/ns

MAS/MR-KKR/SAR2:01.08.2017:2P-4C

CONT.P(MD) .No.472 of 2016

in
W.P. (MD) No.10545 of 2014
18.07.2017