



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

TAX CASE (R) (MD) No.35 of 2011

The State of Tamil Nadu,
Rep. By the Deputy Commissioner (CT),
Tirunelveli Division,
Tirunelveli - 627 002.

.. Appellant

Vs.

Tvl. The Orient Litho Press,
Sivakasi.

.. Respondent

PRAYER: Tax Case Revision is filed under Section 38 of the TNGST Act, 1959, to revise the order of the Tamil Nadu Sales Tax Appellate Tribunal (AB) Madurai dated 20.04.2000 passed in M.T.S.A.No.527 of 1999 against the order dated 25.03.1998, in AP.No 39/1996 by the Appellate Assistant Commissioner(CT), Virudhunagar, against the order dated 15.09.1995, in TNGST No.901065/91-92 by the Commercial Tax Officer-I, Sivakasi.

For Petitioner	: Mr.R.Karthikeyan, Additional Government Pleader.
For Respondent	: Mr.P.Radhakrishnan

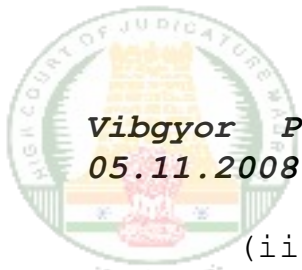
ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This Tax Case Revision has been filed by the revenue challenging the order passed by the Tamil Nadu Sales Tax Appellate Tribunal (Additional Bench), Madurai.

2.The legal issue involved in the matter is whether the assessment made on the supply of printing material under Section 3B of the Tamil Nadu General Sales Tax Act, 1959, could be sustained.

3.We need not labour much on the said issue in the light of the earlier decisions of this Court which considered the very same point and answered the issue against the revenue. The decisions are as follows:-



Vibgyor Process (Tax Case Revision No.687 of 2006), dated 05.11.2008;

(ii) State of Tamil Nadu Vs. Premier Litho Works and another reported in (2009) 26 VST 205 (Mad) and

(iii) The State of Tamil Nadu, Rep. By Deputy Commissioner (CT), Tirunelveli Division, Tirunelveli Vs. Tvl. Prakash Fine Arts and Printers and others (W.A.Nos.342 of 2011 and 945 of 2010), dated 03.11.2016.

4.We may point out that identical issue which was decided against the revenue in the case of M/s.Premier Litho Works and others was challenged before the Honourable Supreme Court in Civil Appeal No.10162 of 2010, which was dismissed by the Honourable Supreme Court by order, dated 03.08.2016.

5.Thus for all the above reasons and following the decisions cited above, this Tax Case Revision stands dismissed. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To:

- 1.The Additional Judicial Member & Additional Departmental Member, TamilNadu Sales Tax Appellate Tribunal (Additional Bench), Madurai.
- 2.The Appellate Assistant Commissioner, Commercial Tax, Virudhunagar.
- 3.The Deputy Commissioner (CT), Commercial Tax, Tirunelveli Division, Tirunelveli - 627 002.
- 4.The Commercial Tax Officer-I, Sivakasi.

+1 CC to M/s.P.RADHAKRISHNAN, Advocate, SR No. 55580.

PS/CP

PSM/MMS/23.05.2017/2P/6C