

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018
CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.4620 of 2018 and
W.M.P.No.5695 of 2018

M/s.Mehra Computer Systems Limited
rep by its Managing Director Praveen Mehra
Survey No.142, Thangavelu Engg Coll road,
Karapakkam, Chennai - 600 097.

.. Petitioner

Vs.

1.The Assistant Commissioner of GST & Central Excise,
Shollinganallur Division, Nandanam,
MHU complex, Chennai - 600 034.

2.The Manager,
Corporation Bank, GT-Branch,
Armenian Street, Chennai - 600 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records comprising communication No.OR/GT/CA/04/2017-18 dated 26.02.2018 on the file of the 2nd respondent and quash the same consequently direct the 1st respondent to issue a copy of the Order in Original No.86/2016 dated 23.03.2016.

For Petitioner : Mr.S.Muthuvenkataraman
For Respondent : Mr.S.Rajasekar
for Mrs.R.Hemalatha,
Senior Standing Counsel (R1)

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified mandamus to call for the records comprising communication dated 26.02.2018 on the file of the 2nd respondent and quash the same consequently direct the 1st respondent to issue a copy of the Order in Original No.86/2016 dated 23.03.2016.

2.The learned counsel appearing for the petitioner submitted that since the petitioner was not provided with the Order in Original dated 23.03.2016 so far, the petitioner is not

in a position to file an Appeal as against the said order. The learned counsel further submitted that the petitioner would give a representation today itself seeking for a copy of the Order in Original.

3.Mr.S.Rajasekar, learned counsel appearing for the 1st respondent submitted that if in case the petitioner submits their representation today seeking for a copy of the Order in Original dated 23.03.2016, the same would be provided to the petitioner on or before 20.03.2018.

4.In view of the submissions made by the learned counsel on either side, the petitioner shall give a representation to the 1st respondent seeking for a copy of the Order in Original dated 23.03.2016 today itself and on receipt of the same, the 1st respondent shall furnish the copy of the Order in Original on or before 20.03.2018. The petitioner is granted a week's time for filing an Appeal before the Appellate Authority as against the Order in Original dated 23.03.2016. On filing of the Appeal, the Appellate Authority shall decide the same on merits and in accordance with law within six weeks from the date of presentation. It is open to the petitioner to seek for appropriate remedy before the Appellate Authority.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

va

To

1.The Assistant Commissioner of GST & Central Excise,
Shollinganallur Division, Nandanam,
MHU complex, Chennai - 600 034.

+lcc to Mr.S.Muthuvenkataraman, Advocate, S.R.No.19914

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RRK(16/03/2018)