

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.4723 of 2018

and

W.M.P.No.5835 of 2018

M/s Pondy Die Castings (P) Ltd.,
Represented by its Managing Director,
P.A.Prabhakara Rao,
S/o. P.Anantharama Rao
No.A1 and A2, Industrial Estate,
Sedarapet, Puducherry - 605 111.

...Petitioner

Vs.

1. The Commissioner (CT),
Commercial Taxes Department,
Puducherry.
2. The Deputy Commercial Tax Officer, IAC,
Commercial Taxes Department,
Puducherry.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to direct the respondents to issue the "C" Forms within time limit as per the requisition of the Petitioner.

For Petitioner : Mr.P.Suresh

For Respondents : Mr.J.Kumaran
Government Advocate

O R D E R

Heard Mr.P.Suresh, the learned counsel appearing for the petitioner and Mr.J.Kumaran, the learned Government Advocate appearing on behalf of the respondents.

2. The petitioner has filed this Writ Petition, praying for issuance of a Writ of Mandamus to issue 'Form 'C' declaration within a time limit.

3. The reason for refusing to issue Form 'C' declaration was on account of the fact that the respondent/Commercial Tax Department had

filed a Special Leave Petition before the Hon'ble Supreme Court, in SLP (C).No.9023 of 2018, challenging the order passed by the Division Bench of this Court, in T.C.R.No.63 of 2017, dated 30.11.2017.

4. The learned Government Advocate appearing for the respondents would fairly submit that the Hon'ble Supreme Court, by an order, dated 16.04.2018, dismissed the Appeal filed by the respondent/Department holding that there is no legal or valid ground for interference. Thus, the respondent/Department, having lost before the Hon'ble Supreme Court, are bound to issue Form 'C' declaration to the petitioner.

5. Accordingly, there will be a direction to the respondent/Commercial Tax Department to issue Form 'C' declaration to the petitioner within three weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

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To

1. The Commissioner (CT),
Commercial Taxes Department,
Puducherry.
2. The Deputy Commercial Tax Officer, IAC,
Commercial Taxes Department,
Puducherry.

Writ Petition No. 4723 of 2018

RV(CO)
JK 16/05/18

WEB COPY