

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.31349 of 2014

M.J.Sivasachithanandam

.. Petitioner

Vs.

Punjab National Bank,
New No.22, (Old No.10)
Raja Street,
T.Nagar,
Chennai - 600 017.
Rep. by its Chief Manager.

.. Respondent

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to pay Service Tax on the rents relating to the premises being the ground floor & basement (Part) portion of the Building bearing New No.22, (Old No.10), Raja Street, T.Nagar, Chennai- 600 017 along with the arrears and interest thereon from 01.06.2007 till date and to pay the future Service Tax amount during the pendency of the Lease with the petitioner.

For Petitioner : Mr.Prakash Goklaney

For Respondent : No appearance.

O R D E R

The petitioner seeks for a Mandamus directing the respondent Bank to pay Service Tax on the rents relating to the premises being the ground floor along with arrears and interest thereon from 01.06.2007 till date and to pay the future Service Tax amount during the pendency of the Lease with the petitioner.

2. Though notice was ordered in this writ petition to the respondent and the same was served on them, they have not chosen to appear before this Court either in person or through counsel. Their name is printed in the cause list.

3. The petitioner claims to be the owner of the property where the respondent bank is in occupation as tenant.

It is claimed by the petitioner that after the introduction of the Service Tax on renting of immovable property under the Finance Act, 2007, with effect from 01.06.2007, the respondent is not paying the service tax inspite of repeated request made by the petitioner. According to him, a sum of Rs.10,55,167/- was due as on 31.08.2014 which the respondent Bank is bound to pay apart from the future dues that had accrued. Ventilating such grievance, the petitioner has already made a representation before the respondent on 14.06.2013. It is stated that the said representation is not considered so far.

4. This Court, at this stage, is not in a position to express its view on the claim made by the petitioner as the respondent has not chosen to appear before this Court and putforth their case. Therefore, this Court is left with no other option except to direct the respondent to consider the grievance of the petitioner made through their representation dated 14.06.2013 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

The Chief Manager,
Punjab National Bank,
New No.22, (Old No.10)
Raja Street,
T.Nagar,
Chennai - 600 017.

+1cc to Mr.Prakash Goklaney, Advocate, S.R.No.12342

PVS(CO)
RRK(02/03/2018)

W.P.No.31349 of 2014