

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9793 of 2008 and
M.P.No.1 of 2008

M/s. Ind-Ital Chemicals Ltd.,
No.3 Kannabiran Koil Street,
Madhavaram,
Chennai - 600 060.Petitioner

Vs.

- 1.The Secretary,
Tamilnadu Sales Tax Appellate Tribunal (AB)
City Civil Court Buildings,
II Floor, Chennai 600 104.
2. The Commercial Tax Officer,
Red Hills Assessment Circle,
Kuralagam Annexe,
I Floor, Chennai 600 108.Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in TMP.No.201/2001 in T.A.No.752/2000 quash the impugned proceedings dated 22/02/2008 and further direct the first respondent to "defer" the hearing of the appeal in T.A.No.752/2000 in view of the specific provision under second provisio to Section 36(3) of the Tamil Nadu General Sales Tax Act, 1959 till the disposal of the Tax case (Revision) No.357/2000 admitted by the Tamilnadu Taxation special Tribunal Chennai and transferred to this Hon'ble Court and W.P.No.9667 of 2007 & W.P.No.8875 of 2007 pending before this Hon'ble Court.

For Petitioner: Mr.P.Govardhan
for Mr. V. Sundershawaran
For Respondents: Mr.M.Hariharan
Special Government Pleader

ORDER

The petitioner prays to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in TMP.No.201/2001 in T.A.No.752/2000 quash the impugned proceedings dated 22/02/2008 and further direct the first respondent to "defer" the hearing of the appeal in T.A.No.752/2000 in view of the specific provision under second provisio to Section 36(3) of the Tamil Nadu General Sales Tax Act, 1959 till the disposal of the Tax case (Revision) No.357/2000 admitted by the Tamilnadu Taxation special Tribunal Chennai and transferred to this Hon'ble Court and W.P.No.9667 of 2007 & W.P.No.8875 of 2007 pending before this Hon'ble Court.

2.When the matter is listed today the learned counsel for the petitioner made a submission that the matter has become infructuous and he has also made an endorsement to that effect:

"R.Govarthan, Advocate
representing counsel for
V.Sundareswaran counsel for
petitioner, the matter is allowed by
the Hon'ble Tribunal.Hence
Infructuous.

3. In view of the above statement and endorsement made by the learned counsel for the petitioner, this writ petition is dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

smn

To.

- 1.The Secretary,
Tamilnadu Sales Tax Appellate Tribunal(AB)
City Civil Court Buildings,
II Floor, Chennai 600 104.
2. The Commercial Tax Officer,
Red Hills Assessment Circle,
Kuralagam Annexe, I Floor, Chennai 600 108.

+1 cc to Special Government Pleader 38820

W.P.No.9793 of 2008 and
M.P.No.1 of 2008

CA(cO) :ASK(06/09/2018)