

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.24392 of 2018

A P U Constructions,
Rep by its Managing Partner,
N.Saroja,
No.1167 E, Parvathi Rice Mill,
Thendral Nagar,
Vengaikkal,
Thiruvannamalai District.

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Commercial Taxes Department,
Secretariat, Fort St.George,
Chennai 600 009.
- 2.The Commissioner of Commercial Tax,
Commercial Tax Officer,
Department of Commercial Tax,
Chennai.
- 3.The Divisional Engineer,
Highways Nabard and Rural Roads,
Cuddalore.
- 4.The Divisional Engineer,
Highways Nabard and Rural Roads,
Vellore.
- 5.The Divisional Engineer,
Highways Nabard and Rural Roads,
Chengalpet.
- 6.The Divisional Engineer,
Highways (Construction and Maintenance),
Thiruvannamalai.
- 7.The Divisional Engineer,
National Highways, Vellore.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation dated 03.09.2018 and 10.09.2018 of the petitioner and forbear the respondents from demanding payment of 12% GST of the value of work done for all contracts which were executed prior to 01.07.2017 and the work done after 01.07.2017.

For Petitioner : Ms.A.L.Gandhimathi
For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to consider the representations dated 03.09.2018 and 10.09.2018 of the petitioner and forbear the respondents from demanding payment of 12% GST of the value of work done for all contracts which were executed prior to 01.07.2017 and the work done after 01.07.2017.

2. According to the learned counsel for the petitioner, the petitioner has submitted a representations dated 03.09.2018 and 10.09.2018, to the respondents, claiming the same relief as prayed in this writ petition, but, the said representations are yet to be disposed of by the respondents. However, the learned counsel submitted that it would suffice, if the representations dated 03.09.2018 and 10.09.2018 made by the petitioner is directed to be considered by the respondents, on merits.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents, submitted that the respondents be directed to consider the petitioner's representations dated 03.09.2018 and 10.09.2018 and pass orders in accordance with law.

4. Having regard to the submissions made by the learned counsel on either side and also taking into consideration the limited prayer sought for in the writ petition, this Court directs the respondents to consider the petitioner's representations dated 03.09.2018 and 10.09.2018, in the light of the G.O.Ms.No.264, Finance (Salaries) Department dated 15.09.2017 as well as G.O.Ms.No.296 dated 09.10.2017 and also in the light of the order passed by this Court in W.P.No.24853 of 2017 dated 05.10.2017, and pass appropriate orders after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Commercial Taxes Department,
Secretariat, Fort St.George,
Chennai 600 009.
- 2.The Commissioner of Commercial Tax,
Commercial Tax Officer,
Department of Commercial Tax,
Chennai.
- 3.The Divisional Engineer,
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Chengalpet.
- 6.The Divisional Engineer,
Highways (Construction and Maintenance),
Thiruvannamalai.
- 7.The Divisional Engineer,
National Highways, Vellore.

+1 cc to Mrs.Al.Ganthimathi,advocate,sr.6546

+1 cc to Govt.Pleader,sr.65532.

Krd 23/10

W.P.No.24392 of 2018