

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.2561 of 2018 and W.M.P.Nos.3137 & 3138/2018

M.Baskaran

..Petitioner

Versus

1. The Commissioner of Municipal Administration,
Ezhilagam Annexe, VI Floor,
Chepauk, Chennai-600 005.
 2. The Commissioner,
Arcot Municipality,
Arcot, Vellore District.
- .. Respondents

Prayer: The Writ Petitions are filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records of the 2nd respondent's Notification No.Nil dated 08.01.2018 pertaining to grant of lease in respect of 12 items of works viz., collection of toll fee etc within the limits of the second respondent municipality, quash the same in so far as the condition No.42 is concerned in regarding to payment service tax and GST by the successful bidders.

For Petitioner : Mrs.S.Hemalatha

For RR1 : Mr.V.Shanugasundar
Special Government Pleader

For RR2 : Mr. A.S.Thambuswamy

W E B C O P Y
O R D E R

The petitioner challenges the auction Notification issued by the second respondent (condition No.42 in the auction Notification) on the ground that for payment of service tax is exempted as per the circular No.13057/2016/2002, dated 03.05.2017.

2 Heard Mrs.S.Hemalatha, learned counsel for the petitioner, Mr.V.Shanmugasundar, learned Special Government

Pleader and Mr.A.S.Thambuswamy, learned counsel for the second respondent and perused the records.

3 The learned standing counsel for the second respondent on instructions submitted that if the items, for which a bidder is declared as successful in the auction, come under the exemption issued under notification, the second respondent would not collect service tax from the successful bidders.

4 In view of the submission of the learned standing counsel for the second respondent, this Court is of the opinion that no further adjudication is necessary in this writ petition. Hence, this writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition are also closed.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

rpl

To

1. The Commissioner of Municipal Administration,
Ezhilagam Annexe, VI Floor,
Chepauk, Chennai-600 005.
2. The Commissioner, Arcot Municipality,
Arcot, Vellore District.

+lcc to Mr.S.Hemalatha, Advocate SR.No.9499
+lcc to Mr.A.S.Thambuswamy, Advocate SR.No.9446
+lcc to Government Pleader SR.No.10272

W.P.No.2561 of 2018

NM(CO)
GN(02/03/2018)

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