

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.11551 of 2008

and

M.P.No.1 of 2008

K.Muruganathan
Proprietor, M/s. Nithya Associates,
Civil Engineers and Builders,
752, Andavar Complex, Crosscut Road,
Gandhipuram, Coimbatore. ...Petitioner
.Vs.

1. The Commissioner,
Customs and Central Excise Department,
Coimbatore Commissionerate,
Coimbatore.
2. The Assistant Commissioner,
Customs and Central Excise Department,
6/7, ATD Street, Race Course Road,
Coimbatore. ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent not to include the value of the materials supplied by the customers in respect of the contract completed and to be completed by the petitioner for the purpose of valuation in payment of service tax and the proposed audit conducted by the second respondent vide proceedings C.No.III/10/497/2008 IA-plan dated 31.03.2008 and by extending the time for auditing the accounts on 15.05.2008 and to pass orders.

For Petitioner : No appearance
For Respondents : Mr.K.S.Ramasamy
Additional Government Pleader

ORDER

The petitioner prays to issue a Writ of Mandamus, directing the second respondent not to include the value of the materials supplied by the customers in respect of the contract

completed and to be completed by the petitioner for the purpose of valuation in payment of service tax and the proposed audit conducted by the second respondent vide proceedings C.No.III/10/497/2008 IA-plan dated 31.03.2008 and by extending the time for auditing the accounts on 15.05.2008.

2.When the matter was called on 08.06.2018 in the morning there is no representation for the petitioner and again the matter was passed over to 2:15 p.m in the afternoon. But again there was no representation for the petitioner at 2:15 p.m and the matter was posted, under the caption "for dismissal". Even today when the matter is called there was no representation, hence the writ petition is dismissed for non prosecution. Consequently connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

smn

To.

1. The Commissioner,
Customs and Central Excise Department,
Coimbatore Commissionerate,
Coimbatore.
2. The Assistant Commissioner,
Customs and Central Excise Department,
6/7, ATD Street, Race Course Road,
Coimbatore.

+1 CC to Mr.K.S. Ramasamy, Advocate sr 36146.

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and

M.P.No.1 of 2008

SP(25/06/2018)

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