

In the High Court of Judicature at Madras

Dated : 18.7.2018

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.17891 of 2018

M/s. Shri Kannan Departmental
Stores (P) Ltd. Rep. by its
Chairman and Managing Director

...Petitioner

Vs

1. The Assistant Commissioner (ST)
(FAC), Ram Nagar Assessment Circle
Coimbatore-641018.

2. The Appellate Deputy Commissioner
(ST) (MAIN) (FAC), Coimbatore-18.

3. The Joint Commissioner (ST),
Territorial, Coimbatore-18.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to give effect to the appeal order in VAT A.P.No.107/2017 (2012-13) dated 06.2.2018 of the Appellate Deputy Commissioner (CT), Coimbatore and issue refund voucher for Rs.1,99,97,150/- as per the directions of the Appellate Authority with interest.

For Petitioner : Mr.S.Raveekumar

For Respondents : Mrs.G.Dhana Madhri, GA

ORDER

Mrs.G.Dhana Madhri, learned Government Advocate accepts notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks a direction to the first respondent to give effect to the order dated 06.2.2018 passed by the second respondent in VAT A.P. No.107/2017 for the year 2012-13 and issue a refund voucher as per the directions issued by the second respondent.

3. The learned Government Advocate appearing for the respondents submits that the appeal time is yet to be over and that the Department may contemplate filing of an appeal.

4. In any event, the petitioner has sent representations dated 13.3.2018 and 16.4.2018 to the first respondent and the petitioner is entitled to know as to whether the Department proposes to file an appeal to the Tamil Nadu Sales Tax Appellate Tribunal (AB), Coimbatore against the order of the second respondent or otherwise, the first respondent should be directed to give effect to the order. Therefore, the petitioner needs to be intimated as to what is the proposed action to be taken by the Department.

5. Accordingly, the writ petition is disposed of with a direction to the first respondent to consider the representations of the petitioner dated 13.3.2018 and 16.4.2018 and send a suitable reply to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

RS

To

1.The Assistant Commissioner (ST) (FAC), Ram Nagar Assessment Circle
Coimbatore-641018.

2.The Appellate Deputy Commissioner (ST) (MAIN) (FAC),
Coimbatore-18.

3.The Joint Commissioner (ST), Territorial, Coimbatore-18.

+1 CC to Mr.S.Raveekumar, Advocate sr 47809.
+1 CC to Spl.Govt. Pleader sr 48133.

WP.No.17891 of 2018

SP(30/07/2018)