

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27770 of 2008 & M.P.No.2 of 2008

M/s.K.Sivasubramaniam Spinners (P) Ltd.,
1, Tirupur Textiles Road,
Anupparpalayam, Tirupur. Petitioner

Vs.

1.The Assistant Commissioner (CT) (FAC),
Tirupur Rural Circle, Tirupur.

2.M/s.Tirupur Textiles (P) Ltd.,
Post Box No.153, Tirupur-641 602. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent in TNGST No.2380174/2003-04 and quash the order dated 15.10.2008 passed therein and further direct the first respondent to adjust the sales tax collected and remitted by the second respondent herein from the petitioner herein towards the purchase tax liability of the petitioner determined in the impugned re-assessment under order dated 15.10.2008 for the assessment year 2003-04.

For Petitioner : Mr.B.Raveendran

For Respondents : Mr.K.Venkatesh, for R1
Government Advocate

No appearance for R2

O R D E R

After some arguments, the learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition and approached the appellate authority. Considering the contention advanced before this Court, being fully factual, the stand taken by the petitioner that they wish to pursue the matter before the appellate authority is fully justified. The endorsement made by the learned counsel for the petitioner is placed on record and the writ petition is dismissed as withdrawn with liberty to file an appeal before the appellate authority. Considering the fact

that the writ petition has been pending before this Court since November, 2008, and there is also an interim order in favour of the petitioner, the petitioner is granted thirty days time from the date of receipt of a copy of this order to file an appeal before the appellate authority and if such appeal is filed, the appellate authority shall not reject the same on the ground of limitation, but, consider the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

abr

To

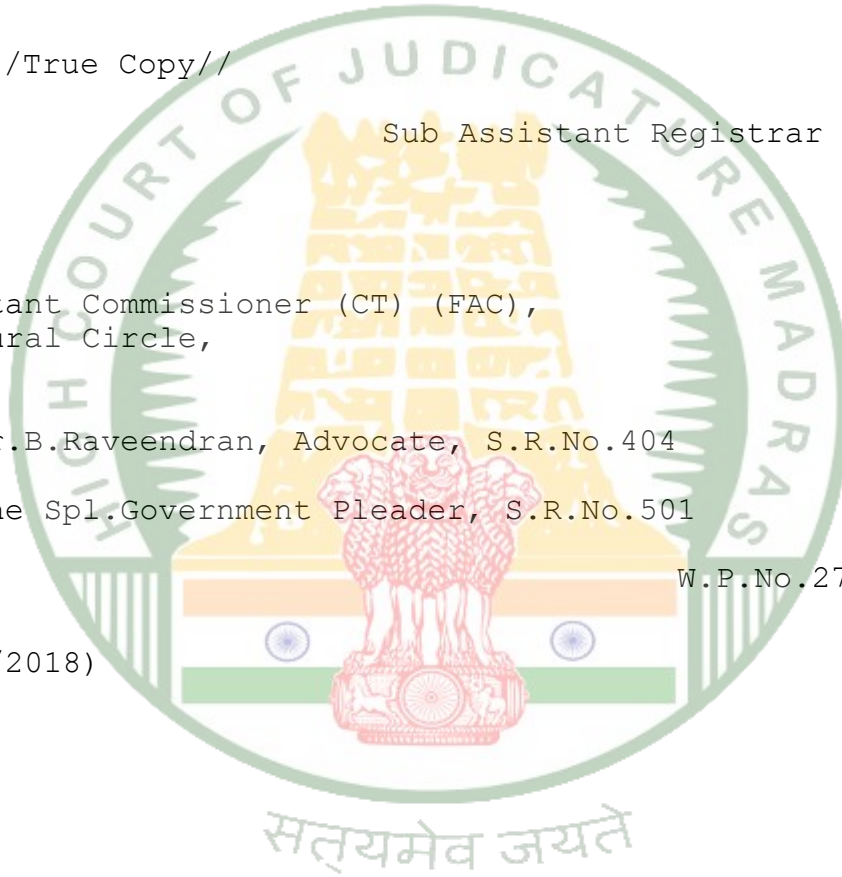
The Assistant Commissioner (CT) (FAC),
Tirupur Rural Circle,
Tirupur.

+1cc to Mr.B.Raveendran, Advocate, S.R.No.404

+1cc to the Spl.Government Pleader, S.R.No.501

W.P.No.27770 of 2008

CNR(CO)
RRK(24/01/2018)



सत्यमेव जयते

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