

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.26835, 26843 & 26846 of 2018

J.K.Constructions
Rep by its Partner,
No.6/1, Katpadi Road,
Near Hotel Revierview,
Vellore 632 004.

.... Petitioner in all W.Ps

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 State Tax Officer,
Katpadi Range,
Vellore.
- 3.The Commissioner of Commercial Taxes,
Department of Commercial Taxes,
Chennai.
- 4.The Assistant Commissioner of Income Tax,
Circle I, Vellore.

...Respondents 1 to 4 in WP.Nos.26835, 26843 and 26846/18

- 5.The Divisional Engineer,
Highways (Construction and Maintenance),
Vaniyambadi, Periyar Nagar,
Vaniyambadi 635 751.

...5th Respondent in W.P.No.26835 of 2018

5.The Divisional Engineer,
National Highways,
Vellore 632 001.

... 5th Respondents in W.P.No.26843 of 2018

5.The Project Director,
District Rural Development Agency,
Vellore 9.

... 5th Respondents in W.P.No.26846 of 2018

PRAYER in W.P.No.26835 of 2018: 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 29.09.2018 of the petitioner and direct the respondents to impose 12% GST on the work done under work order dated 21.03.2017 in letter TRP-84/2016-2017 (Vol.33)/D3 and release a sum of Rs.22,74,656.76 towards 6% CGST and a sum of Rs.22,74,656.76 towards 6% SGST facilitating the petitioner to file GST as well as IT returns for the period ending 31.03.2018.

PRAYER in W.P.No.26843 of 2018: 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 29.09.2018 of the petitioner and direct the respondents to impose 12% GST on the work done under work order dated 03.04.2017 in letter TRP-170/DO/2017/Nil dated 03.04.2017 and release a sum of Rs.49,69,497.72 towards 6% CGST and a sum of Rs.49,69,497.72 towards 6% SGST facilitating the petitioner to file GST as well as IT returns for the period ending 31.03.2018.

PRAYER in W.P.No.26846 of 2018: 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 29.09.2018 of the petitioner and direct the respondents to impose 12% GST on the work done by the petitioner and release a sum of Rs.10,21,533/- towards 6% CGST and a sum of Rs.10,21,533/- towards 6% SGST facilitating the petitioner to file GST as well as IT returns for the period ending 31.03.2018.

For Petitioner
in all Wps : Mrs.AL.Ganthimathi

For Respondents : V.Jayaprakash Narayanan,
Special Government Pleader for R1
: Mr.Haribabu,
Addl. Government Pleader for R2 & R3

O R D E R

The petitioner has come up with these writ petitions seeking a direction to the respondents to consider the representation dated 29.09.2018 of the petitioner and direct the respondents to impose 12% GST on the work done under the work allotted and for consequential relief.

2. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 29.09.2018, to the respondents, claiming the same relief as prayed in this writ petition, but, the said representation is yet to be disposed of by the respondents. However, the learned counsel submitted that it would suffice, if the representation dated 29.09.2018 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 representation dated 29.09.2018 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 representation dated 29.09.2018, 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, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Commercial Taxes Department,
Secretariat, Fort St.George,
Chennai 600 009.
- 2.The State Tax Officer,
Katpadi Range,
Vellore.
- 3.The Commissioner of Commercial Taxes,
Department of Commercial Taxes,
Chennai.
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- 6.The Divisional Engineer,
National Highways,
Vellore 632 001.
- 7.The Project Director,
District Rural Development Agency,
Vellore 9.

+1cc to the Spl Government Pleader, S.R.No.74303 & 73633

W.P.Nos.26835, 26843 & 26846 of 2018

CNR(CO)
GSP(16/11/2018)

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