



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.19463 of 2018

M/s.Sri Alagar Industries,
Rep. by its Partner S.Balakrishnan

.. Petitioner

Vs.

1.Union of India,
Rep. by its Secretary,
Department of Revenue, Ministry of Finance,
Room No.46, North Block,
New Delhi - 110 001.

2.Goods and Service Tax Network (GSTN),
Through its Chairman,
East Wing, 4th Floor,
World Mark - 1,
Aerocity,
New Delhi - 110 001.

3.Goods and Service Tax Council,
Through its Secretary,
5th Floor, Tower - II,
Jeevan Bharti Building,
Janpath Road,
Connaught Place,
New Delhi - 110 001.

4.The Nodal Officer for CGST
Office of the Commissioner of GST and Central Excise,
Central Revenue Building,
No.4, Lalbhagadur Shastri Road,
B.B.Kulam, Madurai - 625 002.

5.The Assistant Commissioner of GST and Central Excise,
Sivakasi Division,
Sivakasi.

6.The Superintendent of GST and Central Excise,
Vilampatti Range,
Sivakasi.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of MANDAMUS, directing the fourth respondent to forward the representation of the petitioner to the second respondent and direct the second respondent to release the said amount of Rs.23,40,113/- within a stipulated time frame.



For Petitioner : Mr.N.Mariappan
For Respondent 1 : Mr.R.Vijayarajan
For Respondents 2 to 6 : Mr.B.Vijay Karthikeyan
Sr. Standing Counsel for GST

ORDER

This writ petition has been filed seeking a Writ of Mandamus directing the fourth respondent to forward the representation of the petitioner dated 30.07.2018 to the second respondent and to direct the second respondent to release the sum of Rs.23,40,113/-, which the petitioner is entitled to, within a stipulated time frame.

2. Heard the learned Counsel appearing for the respective parties and perused the documents placed on record.

3. The grievance of the petitioner is that they are unable to upload Form GST TRAN - 1 to take credit of the input tax / service tax / central excise duty availed by them at the time of migration within the time stipulated, on account of some technical glitches.

4. The learned Counsel for the petitioner submitted that the Central Board of Indirect Taxes (CBIC) and Customs, in order to redress the grievances faced by taxpayers owing to technical glitches on GST, has issued a circular in Circular No.39/13/2018-GST, dated 03.04.2018, based on which, Grievance Committee was constituted and Nodal Officers were also appointed to address the problems of taxpayers.

5. The learned Counsel for the petitioner further submitted that the petitioner has made a detailed representation, narrating all facts, dated 30.07.2018, to the fourth respondent herein, being the Nodal Officer, through the fifth respondent herein. A copy of the said representation was also submitted to the fourth respondent, in person. Hence, he confines and prays for a direction to the fifth respondent to forward the representation of the petitioner to the Nodal Officer, who, in turn, may be directed to act in accordance with the Circular, dated 03.04.2018.

6. In such a view of the matter, this writ petition is disposed of, with the following directions:

i) The fifth respondent is directed to forward the representation of the petitioner dated 30.07.2018 to the fourth respondent, being the Nodal Officer, within a period of one week from the date of receipt of a copy of this order;

ii) On receipt of the same, the fourth respondent / Nodal Officer, in consultation with the GSTN, shall take note of the grievance expressed by the petitioner and forward the same to the Grievance Committee, within two weeks thereafter and the Grievance Committee, in turn, would take an appropriate decision in the matter, within a period of four weeks from the date, on which, the representation is received in proper form.

No costs.



Sd/-
Assistant Registrar (CO)

/True Copy/

WEB COPY

Sub Assistant Registrar (CS-IV)

gk

To

1. The Secretary,
Union of India,
Department of Revenue, Ministry of Finance,
Room No.46, North Block,
New Delhi - 110 001.
2. The Chairman,
Goods and Service Tax Network (GSTN),
East Wing, 4th Floor,
World Mark - 1,
Aerocity,
New Delhi - 110 001.
3. The Secretary,
Goods and Service Tax Council,
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5. The Assistant Commissioner of GST and Central Excise,
Sivakasi Division,
Sivakasi.
6. The Superintendent of GST and Central Excise,
Vilampatti Range,
Sivakasi.

+1cc to Mr.B.Vijay Karthikeyan, Advocate in SR No.84653

+1cc to Mr.R.Vijay Rajan, Advocate in SR No.85362

+1cc to Mr.N.Mariappan, Advocate in SR No.84603

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