IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.26434 of 2005

M/s.Natural Aroma Exports,
Rep. by its Proprietor,
K.Ashish Kapoor,
G.T.Road,
Near Kannaj City Railway Station,
P.O.Makrand Nagar,
Kannuj. ...Petitioner

Vs

1. The District Forest Officer,
   Salem Division,
   Salem - 636 007.

2. The Commercial Tax Officer,
   Salem Division,
   Salem. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent having reference C.No.7552/2005 S, dated 28.07.2005 and quash the same insofar as it directs payment of 12% Sales Tax on the Sale value of 10,000 MT of sandalwood and consequently direct the 1st respondent to collect Sales Tax at 4% at Rs.12,23,000/- on production of Form-C.

For Petitioner : Mrs.C.Uma

For Respondent 2 : Mr.V.Haribabu
Additional Government Pleader

for Respondent 1 Mr.A.Zakir Hussain
Government Advocate

ORDER

The main ground raised by the petitioner in the present writ petition is that they are liable to pay tax under the Central Sale Tax and not under the Tamilnadu General Sales Tax Act.

2. The issue raised in this writ petition is no longer res intergra as in number of cases, it has already been settled. Further this issue has already been decided by the Hon'ble Division Bench of this Court in Writ Appeal in W.A.No.3195 of 2004 in the matter of Karnataka Soaps Vs. the District Forest Officer, Sathyamangalam Division, Sathyamangalam & Others dated 07.02.2005 wherein, it has been held that, this kind of sale of sandalwood would be only considered as Inter-State sale (local sale) and therefore, the purchaser has to pay tax under the Tamilnadu Sales Tax Act and not under the Central Sales Tax Act.

3. In such view of the matter, the purchase of sandalwood at Tamil Nadu can be only considered as a local sale which is under the Tamil Nadu General Sales Tax and Central Sales Tax will not be applicable. Such a decision of the Division Bench of this Court has been subsequently followed in various decisions of this Court. As such, the present writ petition challenging the auction of the authorities on the ground that they are liable to pay the tax under the Central Sales Tax Act cannot be sustained.

4. In view of the same, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Vum

To

1. The District Forest Officer,
   Salem Division,
   Salem - 636 007.

2. The Commercial Tax Officer,
   Salem Division, Salem.

+1cc to Mrs.C.Uma, Advocate, S.R.No.52455
+1cc to the Special Government Pleader(Taxes), S.R.No. 52460
+1cc to the Special Government Pleader(Forest), S.R.No. 52987

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LN(CO)
GN(06/08/2019)