

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.16834 of 2019
&
W.M.P.No.16421 of 2019

H.Firoz Khan ... Petitioner

Vs.

- 1) The Commissioner of Municipal Administration
11th Floor, Urban Administrative Campus
Santhome High Road, MRC Nagar
Chennai- 600 028
- 2) The Commissioner
Ranipet Municipality
No.1, Railway Station Road
Ranipet, Vellore District - 632 401
- 3) The Assistant Commissioner
of Central Excise
Ranipet Division
No.161/1 SIPCOT Industrial Complex
Nethaji Nagar, Ranipet
Vellore- 632 403 ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 23.04.2019 for refund of the amount of Rs.8,99,979.00 paid by the petitioner being the Service Tax in respect of the weekly Shandy Lease which was awarded by the second respondent pursuant to the Public auction-cum-tender and to forthwith direct the third respondent to remit back the Service Tax paid by the second respondent.

For Petitioner :Ms.S.Hemalatha
For Respondents: Mr.R.P.Prathap Singh
Government Advocate for R1

Mr.V.Jayaprakash Narayanan
Government Pleader for R2

Mr.A.P.Srinivas
Senior Standing Counsel for R3

ORDER

Ms.S.Hemalatha, learned counsel on record for writ petitioner is before this Court. Mr.R.P.Pratap Singh, learned Government Advocate accepts notice on behalf of first respondent, Mr.V.Jayaprakash Narayanan, learned Standing Counsel for Ranipet Municipality, accepts notice on behalf of second respondent and Mr.A.P.Srinivas, learned senior Standing Counsel accepts notice on behalf of third respondent.

2.With the consent of all the aforesaid learned counsel, main writ petition itself is taken up and is being disposed of.

3.Entire writ petition turns on a very narrow compass. Writ petitioner has sought refund qua Service Tax vide a representation dated 23.04.2019, which is at Page No.11 of the typed-set of papers filed along with this writ petition and it has been placed before this Court as part of the case file. Simple prayer of the writ petitioner is a request to mandamus the second respondent to dispose of the aforesaid representation dated 23.04.2019 in a manner known to law within a specified time frame.

4. Learned standing counsel for second respondent submits that the aforesaid representation of the writ petitioner will be disposed of in a manner known to law within eight weeks from today.

5. In the light of narrative thus far, this writ petition is disposed of directing the second respondent to dispose of the writ petitioner's representation dated 23.04.2019 (at Page No.11 of the typed-set of papers) in accordance with law / in a manner known to law, as expeditiously as possible and in any event within a period of eight weeks from today i.e., on or before 21.08.2019. Disposal of the representation or in other words, order of the second respondent disposing of the aforesaid representation shall be communicated to the writ petitioner under due acknowledgement within seven working days from the date of disposal. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

To

1) The Commissioner of Municipal Administration
11th Floor, Urban Administrative Campus
Santhome High Road, MRC Nagar
Chennai- 600 028

2) The Commissioner
Ranipet Municipality
No.1, Railway Station Road
Ranipet, Vellore District - 632 401

3) The Assistant Commissioner
of Central Excise
Ranipet Division
No.161/1 SIPCOT Industrial Complex
Nethaji Nagar, Ranipet
Vellore- 632 403

+1cc to Ms.S.Hemalatha, Advocate SR.No.54117

+1cc to Government Pleader SR.No.54492

W.P.No.16834 of 2019 &
W.M.P.No.16421 of 2019

RK(CO)
GMY(12/07/2019)



WEB COPY