

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.22607 of 2019

M/s.Shriram City Union Finance Ltd.,
Represented by its Managing Director
Mr.Yalamati Srinivas Chakrawarti
No.221, Royapettah High Road, Mylapore
Chennai - 600 004 ... Petitioner

Vs.

1. Central Board of Indirect Taxes and Customs
Represented by the Principal Commissioner of CGST
GST Policy Wing, Department of Revenue
Ministry of Finance, North Block
New Delhi - 110 001
- 2.The Principal Commissioner of CGST and Central Excise
Chennai North Commissionerate
No.26/1, Mahatma Gandhi Road
Chennai - 600 034 ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent in passing the impugned order in C.No.V/15/130/2018-Ch.N.Adj dated 09.07.2019 and quash the same as illegal, arbitrary and devoid of merit and consequently direct the 1st respondent to consider the Rectification application filed by the petitioner in the light of the circular issued by the Government vide Circular No.102/21/2016-GST dated 28.06.2019 and the Corrigendum dated 15.07.2019 to the said circular.

For Petitioner : Mr.R.Sivaraman

For Respondents : Ms.Hema Muralikrishnan
Standing Counsel

ORDER

After some arguments on 05.08.2019, learned counsel for writ petitioner Mr.R.Sivaraman submits that he now has instructions from the writ petitioner to withdraw the instant writ petition,

but requests that the writ petitioner's rights to avail alternate remedy by way of an appeal to the 'Central Excise Service Tax Appellate Tribunal' ('CESTAT' for brevity) may be preserved. Learned counsel has made an endorsement in the case file which reads as follows:

'The petitioner has instructed me to withdraw the said writ petition. Hence, may be permitted to withdraw.

Sd/-
09.08.2019'

2. Endorsement is reiterated in the hearing today.

3. Writ petitioner is permitted to withdraw the writ petition and rights of the writ petitioner to approach CESTAT by way of a statutory appeal assailing the impugned order herein are preserved. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Commissioner of CGST
Central Board of Indirect Taxes and Customs
GST Policy Wing, Department of Revenue
Ministry of Finance, North Block
New Delhi - 110 001
2. The Principal Commissioner of CGST and Central Excise
Chennai North Commissionerate
No.26/1, Mahatma Gandhi Road
Chennai - 600 034.

+1cc to M/s. Hema Muralikirishnan, Advocate Sr.67900

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srg 19/09/2019