

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.2315 of 2017

The Chennai and Ennore Ports
Steamer Agents Association
New No.63, Old No.32,
Pophams Broadway,
George Town, Chennai - 600 108.
Represented by its Chairman,
Mr.Y.Leeladharan

... Petitioner

Vs.

1. Union of India,
Ministry of Finance,
(Department of Revenue)
No.137, North Block,
New Delhi, 110 001.
Rep. by its Under Secretary.

2. The Chairman, Central Board of Excise and Customs,
North Block, New Delhi - 110 001.

3. Chief Commissioner of Service Tax (Chennai zone),
Newry Towers, 2054/I,
II Avenue, Anna Nagar,
Chennai - 600 040.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, forbearing the respondents from levying or collecting service tax from the members of the petitioner association, consequent to Notification No.1/2017, 2/2017 & 3/2017 - Service Tax dated 12.01.2017 (Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) pending disposal of the Representation dated 23.01.2017 made by the petitioner Association.

For Petitioner : Mr.P.Giridharan

For Respondents : Ms.Hema Muralikrishnan (for R1 & R2)
CGSC
Mr.K.Ravi (for R3)
Standing Counsel

O R D E R
(Order of this Court was made by S.MANIKUMAR, J.)

Chennai and Ennore Ports Steamer Agents Association, represented by its Chairman, has submitted a representation dated 23.01.2017, not to levy or collect service tax from the members of its association, consequent to Notification No.1/2017, 2/2017 & 3/2017 - Service Tax dated 12.01.2017 (Published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) pending disposal of the said Representation. Contending further that the said representation is pending consideration, instant writ petition is filed for a mandamus.

2. Considering the limited prayer sought for Mr.K.Ravi, learned counsel for Revenue, was put on notice.

3. Without going into the merits of the representation, direction is issued to the Chairman, Central Board of Excise and Customs, the 2nd respondent, to pass orders on the petitioner's representation dated 23.01.2017, within a period of four weeks from the date of receipt of a copy of this order.

4. Writ petition is disposed of, accordingly. No Costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Under Secretary,
Union of India,
Ministry of Finance,
(Department of Revenue)
No.137, North Block,
New Delhi, 110 001.

2. The Chairman,
Central Board of Excise and Customs,
North Block,
New Delhi - 110 001.

3. Chief Commissioner of Service Tax (Chennai zone),
Newry Towers, 2054/I,
II Avenue, Anna Nagar,
Chennai - 600 040.

+1cc to Mr. K.Ravi, Advocate, S.R.No. 32539

W.P.No.2315 of 2017

KJ (CO)
GN (05/04/2019)



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