IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.03.2020
CORAM:
THE HON'BLE Mr. JUSTICE R.MAHADEVAN
Writ Petition No.1853 of 2006

Tvl. Venkateswara Hardwares,
No.687/15 P.H.Road, Aminjakarai,
Chennai 600 029 ... Petitioner

..vs..

The Commercial Tax Officer,
Amandakarai Assessment Circle, Chennai – 108 ... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records and quash the impugned proceedings of the respondent in TNGST/1020066/2000-01, dated 12.05.2003 and further direct the respondent to pass the order in accordance with law.

For Petitioner : Mr. A.R.Jaya Sankar
For Respondent : Mr. Mohammed Shaffiq, Spl.G.P. (Taxes)

O R D E R

Questioning the levy of interest for filing belated returns, a demand came to be raised and challenging the same, this writ petition has been filed.

2. The petitioner is the dealer in hardwares and white cement and assessee on the file of the respondent herein under the provisions of the TNGST Act, 1959 and CST Act, 1956. The respondent herein has paid the tax in accordance with law and there is no tax due. According to the petitioner, by the impugned order, dated 12.05.2003, the respondent had levied penal interest of Rs.1,27,789/- by invoking Section 24 (3) of the TNGST Act for the year 2000-01 alleging that the petitioner has filed the returns belatedly.

3. The learned counsel for the petitioner submitted that no notice was given by the respondent, before proposing to levy penal interest and as per the Circular issued by the Commissioner of Commercial Taxes, dated 20.04.2001, the Commissioner has given instructions to the Assessing Authorities to issue notice before demanding the penal interest under Section 24 (3) of the Act. He also submitted that the

respondent failed to work out the number of days delays in making the payment.

4. The learned Special Government Pleader (Taxes) for the respondent submitted that the respondent has taken into consideration all the aspects and has passed the impugned order, levying interest on the belated filing of return and hence, no interference is required on the impugned order.

5. A perusal of the materials available on record would disclose that the petitioner has delayed the submission of monthly returns in Form A-1 under the TNGST Act and Form-I under CST Act, with payments due. Hence, the penalty and interest under Section 24 (3) of the Act were levied. Further, notice was issued to the petitioner calling for their objections and since no objections have been filed, the order under Section 24 (3) of the Act, levying interest and penalty on belated payment was passed. Though the petitioner contended that they have filed objections, no such objections find a place either before the respondent or before this Court and hence the said contention has no legs to stand.

6. In view of the same, this Court is of the opinion that the respondent has gone through the filing as well as the payment details furnished by the petitioner and has passed the impugned order, which does not require any interference at the hands of this Court. Hence, the writ petition is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

srk

To
1. The Commercial Tax Officer, Amandakarai Assessment Circle, Chennai - 108

+1 cc to Special government Pleader(Taxes) sr24029

W.P.No.1853 of 2006

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