

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.31877 of 2019
WMP.No.32120 of 2019

Tvl. Flipkart India Private Limited,
No.35, Developed Plot,
South Phase, Industrial Estate,
Chennai-600 032,
Represented by its Authorized Signatory
Mr. Suvanjan GhoshPetitioner

--Vs--

- 1.State of Tamil Nadu
Ministry of Finance,
Secretariat, Fort St. George,
Chennai-600 009
 - 2.Assistant Commissioner (ST)
Nandambakkam Assessment Circle,
Chennai-600 094
 - 3.Deputy Commissioner (ST)
Zone-9
Chennai-600 006
- ...Respondents

PRAYER: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the Notice bearing no. TIN/33860907005/2013-14 dated 23.09.2019 issued by the respondent no.2 seeking to delay and deny the refund of tax paid as pre-deposit at the time of filing of appeal and which has already been quantified to be excess payment of tax by the respondent no.2 in the revised assessment orders dated 12.09.2018 and quash the same and consequentially direct the respondent no. 2 to grant the said refund with consequential interest to the petitioner in a time bound manner.

For Petitioner	: Mr.Kishor Kunal
For Respondent for R1	: Mr.B.Anand, GA
for R2 & R3	: Mr.M.Hariharan, AGP

O R D E R

Both learned counsel concur on the position that the refund in question has been received by the petitioner. A copy of letter dated 27.01.2020 of the petitioner to the respondent is placed on file, wherein, the petitioner has acceded to receiving an amount of INR 1,43,82,975/- only, accepting the request of the Commercial Taxes Department for waiver of interest accrued on the aforesaid amount.

2. Recording the aforesaid, this writ petition is closed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.State of Tamil Nadu
Ministry of Finance,
Secretariat, Fort St. George,
Chennai-600 009

2.Assistant Commissioner (ST)
Nandambakkam Assessment Circle,
Chennai-600 094

3.Deputy Commissioner (ST)
Zone-9
Chennai-600 006

+1cc to Mr.Karthik Sundaram, Advocate, SR.No.8238.

+1cc to Government Pleader, SR.No.7053.

+1cc to Government Pleader(Taxes), SR.No.8770.

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VBA (CO)

CSR: 25.02.2020