

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE M.DURAI SWAMY

AND

THE HON`BLE MRS JUSTICE R.HEMALATHA

CMP No.6731 of 2020

IN WA.2792/2012

TVL.TOUCH INDIA TELEMARKETING [PETITIONER]
PVT LTD, REP BY ITS DIRECTOR MR.KUBER MALIK,
NO.56A CHIRAG DELHI, NEW DELHI-100017,
NOW AT
NO. 504-505 SECTOR-14,
FARIDABAD-121007

Vs

1 THE COMMERCIAL TAX OFFICER(FAC), [RESPONDENTS]
ROVING SQUAD, KANCHEEPURAM, ENFORCEMENT
SOUTH, CHENNAI-6

2 THE DEPUTY COMMERCIAL TAX OF
FICER, ROVING SQUAD, KANCHEEPURAM, OFFICE OF
THE DEPUTY COMMISSIONER (CT), ENFORCEMENT
SOUTH, GREAMS ROAD, CHENNAI-6

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the registry to refund the deposit amount Rs. 7,30,800/- with accrued interest amounting Rs.11,63,870/- (as on 31/10/19) deposited in WA No.2792/2012 to the petitioner and also further interest till the date of disbursal and pass such other order or orders as this Honorable Court think deem and fit proper in the circumstances of the case and render justice in CMP.NO.6731 OF 2020.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.D.VIJAYAKUMAR, Advocate for the petitioner and of MS.G.DHANAMADHRI, GOVERNMENT ADVOCATE on behalf of the Respondents the court made the following order:-

(Order of the Court was made by M.DURAISWAMY, J.)

The Writ Appellant has filed the above petition to direct the Registry to refund the deposit amount of Rs.7,30,800/- with accrued interest, amounting to Rs.11,63,870/- deposited to the credit of the Writ Appeal in W.A.No.2792 of 2012 with accrued interest till the date of disbursal.

2.Mr.D.Vijayakumar, learned counsel appearing for the petitioner submitted that pursuant to the conditional order dated 08.02.2013 passed by the Hon'ble Division of this Court in M.P.Nos.1 & 2 of 2012 in W.A.No.2792 of 2012, the petitioner, instead of furnishing Bank Guarantee, gave a Demand Draft dated 26.02.2012, drawn in favour of the Registrar General of this Court for a sum of Rs.7,30,800/-. Further, the learned counsel submitted that the said sum of Rs.7,30,800/- was deposited in the Indian Bank, Madras High Court Branch, Chennai - 104, in re-investment scheme and as on 31.10.2019, the total amount, including the interest, came to Rs.11,63,870/-. The learned counsel appearing for the petitioner submitted that since the petitioner had succeeded in the revision in R.P.No.242 of 2017 on the file of the Joint Commissioner (ST), Chennai (South) Division, Chennai, by order dated 29.04.2019, they are entitled to get refund of the amount together with accrued interest till the date of disbursal.

3.Ms.G.Dhanamadhri, learned Government Advocate appearing for the respondents has no objection for ordering the petition.

4.Since the petitioner/appellant had succeeded in the revision and that the said order has become final, we are of the considered view that the petitioner is entitled to get refund of the sum of Rs.11,63,870/- together with the accrued interest till the date of disbursal. Accordingly, we direct the Registrar General to refund the sum of Rs.11,63,870/- together with accrued interest, deposited with the Indian Bank, Madras High Court Branch, Chennai - 104 to the credit of the Writ Appeal in W.A.No.2792 of 2012, within a period of four weeks from the date of receipt of a copy of this order.

-sd/-
29/04/2021
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE COMMERCIAL TAX OFFICER(F
AC), ROVING SQUAD, KANCHEEPURAM, ENFORCEMENT
SOUTH, CHENNAI-6

2 THE DEPUTY COMMERCIAL TAX OF
FICER, ROVING SQUAD, KANCHEEPURAM, OFFICE OF
THE DEPUTY COMMISSIONER (CT), ENFORCEMENT
SOUTH, GREAMS ROAD, CHENNAI-6

3 THE REGISTRAR GENERAL
HIGH COURT MADRAS-104.

4 THE SECTION OFFICER
ACCOUNTS SECTION,
HIGH COURT MADRAS-104.

5 THE BRANCH MANAGER
INDIAN BANK, HIGH COURT
MADRAS-104.

Order

in
CMP.6731/2020

in
WA.2792/2012

Date :29/04/2021

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