IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM:

The Honourable Mr.Justice T.S.SIVAGNANAM
and
The Honourable Ms.Justice R.N.MANJULA

W.P.No.21269 of 2004

The State of Tamil Nadu,
Represented by
The Deputy Commissioner (CT),
Madurai Division,
Madurai - 20. ...Petitioner

Vs

1. Tvl.Aruna Machine Tools,
Super B-3, Industrial Estate,
K.Pudur, Madurai.

2. The Secretary,
The Tamil Nadu Sales Tax Appellate
Tribunal (Additional Bench),
Madurai - 20. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the second respondent in MTA.No.661 of 1995 dated 28.07.1999 and quash the same as erroneous and illegal.

For Petitioner: Ms.G.Dhanamadhri,
Government Advocate

For R1: Mr.R.D.Ganesan

For R2: Tribunal

ORDER
(Made by T.S.Sivagnanam,J)

This writ petition has been filed by the Department challenging the order passed by the Tamil Nadu Sales Tax

Appellate Tribunal (Additional Bench), Madurai ('the Tribunal' for brevity) in MTA.No.661 of 1995 dated 28.07.1999.

2. Heard Ms.G.Dhanamadhri, learned Government Advocate appearing for the petitioner and Mr.R.D.Ganesan, learned counsel for the first respondent.

3. There may not be a need to decide the correctness of the decision of the Tribunal on account of low tax effect involved in this case. The Government of Tamil Nadu has announced a litigation policy in G.O.(Ms.) No.105, Commercial Taxes and Registration (D1) Department, dated 25.07.2019, wherein it has been stated that the Revenue will not prosecute the appeals/writ petitions, if the tax liability is less than Rs.5 lakhs, both in respect of the assessment arising under the provisions of the Tamil Nadu General Sales Tax Act, 1959 and Tamil Nadu Value Added Tax Act, 2006. It is not in dispute that in the case on hand, the tax liability is less than the threshold limit of Rs.5 lakhs. Therefore, the Revenue cannot prosecute the case on account of the policy decision taken by the Government of Tamil Nadu.

4. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//
Sub Assistant Registrar

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To

1. The Deputy Commissioner (CT),
Madurai Division,
Madurai - 20.

2. The Secretary,
Tamil Nadu Sales Tax Appellate
Tribunal (Additional Bench),
Madurai - 20.

W.P.No.21269 of 2004

JP(CO)
CB(18/02/2021)