



WEB COPY



T.C.M.P. No. 1087 of 20
in
T.C. (SR) No. 87217 of 2005

R. MAHADEVAN, J.
and
MOHAMMED SHAFFIQ, J.

This petition is filed by the petitioner seeking to condone the delay of 89 days in filing the above T.C. (SR) No. 87217 of 2005.

2.By order dated 08.12.2005, notice was ordered through court as well as privately. Subsequently, fresh notice through court as well as privately, was ordered on 30.06.2011. However, the learned counsel for the petitioner has not completed the service till date.

3.Today, when the matter is taken up for consideration, Mr.Arun Natarajan, learned Special Government Pleader appearing for the petitioner submits that the issue involved herein is covered by the order of this Court in ***Appollo Saline Pharmaceuticals v. Commercial Tax Officer (FAC)*** [(2002) 125 STC 505 Mad], wherein, this court set aside the order of the Tribunal to the extent it upholds levy of penalty and hence, the delay may be condoned and the cases be directed to be listed for passing appropriate orders.

4.Considering the reasons stated in the affidavit filed in support of this petition and also taking note of the submissions made by the learned counsel for the petitioner, the delay is condoned and this petition is accordingly, ordered.

[R.M.D., J.] [M.S.Q., J.]
02.12.2021

Maya/Dhk

Note: *Registry is directed to number the appeal and list the same for admission, after a week.*