



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34802 of 2013

and

M.P.No.2 of 2013

M/s.Southern Crest,
Rep.by its Managing Director,
Mr.R.V.Sathyanarayana,
No.3, Venkatnarayana Road,
T.Nagar, Chennai - 600 017.

...Petitioner

Vs

1. The Managing Director,
TASMAC LTD.,
C.M.D.A.Tower, 4th Floor,
No.8, Gandhi-Irwin Road,
Egmore, Chennai - 600 008.

2. The Manager,
TASMAC Ltd.,
IMFS Depot,
Ambattur-III,
Chennai - 600 058.

... Respondents

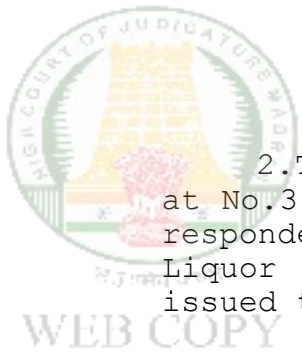
PRAYER : Writ Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorari, calling for the records of the impugned demand notice of the 2nd respondent dated 13.12.2013 in R.C.No.1046/2013/A1 and quash the same.

For Petitioner : Mr.P.Ramanathan
For Mr.R.Mohan

For Respondents : No appearance

O R D E R

The Demand Notice issued by the second respondent in notice dated 13.12.2013 is under challenge in the present writ petition.



2. The petitioner states that they were carrying on business at No.3, Venkatnarayana Road, T.Nagar, Chennai - 600 017 and the respondents granted Bar Licence for selling Indian made Foreign Liquor and other liquors to the general public and the license issued to the petitioner was renewed periodically.

3. The License was granted on certain terms and conditions. The Demand Notice impugned, states that as per the Head office orders, the petitioner has to pay a sum of Rs.1,05,985/- (Rupees One Lakh Five Thousand Nine Hundred and Eighty Five only) due to the price revision with effect from 01.04.2013 to 07.11.2013. Accordingly, the petitioner was asked to pay the arrears amount by way of Demand Draft in the name of TASMAL LTD, CHENNAI.

4. The petitioner has not submitted any objections or details regarding the business transactions. But challenged the very Demand notice by merely stating that the petitioner is not liable to pay any amount to the respondents. Such a disputed contentions can never be adjudicated in a writ proceedings under Article 226 of the Constitution of India. The license was granted based on certain terms and conditions. There was a price Revision effected from 01.04.2013 as per the impugned notice. If at all any discrepancy of facts or the petitioner is possessing any documents in this regard, it is left open to the petitioner to submit all those documents and evidences along with the objections, if any, to the respondents and the respondents are bound to look into the objections and take appropriate action in the manner known to law. Contrarily, writ proceedings need not be entertained against a notice as the disputed facts cannot be adjudicated by this Court.

5. In view of the facts and circumstances, the petitioner is at liberty to submit their objections along with the documents and evidences, if any, within a period of four weeks from the date of receipt of a copy of this order and on receipt of any such objections, the respondents are directed to consider the same, take a decision and communicate the same to the writ petitioner on merits and in accordance with law.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Kak



To

1. The Managing Director,
TASMAC LTD.,
C.M.D.A.Tower, 4th Floor,
No.8, Gandhi-Irwin Road,
Egmore, Chennai - 600 008.

2. The Manager,
TASMAC Ltd.,
IMFS Depot,
Ambattur-III,
Chennai - 600 058.

+1CC to Mr.R.Mohan, Advocate, Sr.No.33359

W.P.No.34802 of 2013

AK-II (CO)
K.RK. (26.07.2021)