

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:10.2.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.19538 of 2020
and
W.M.P.No.24159 of 2020

R.Babu

Petitioner

vs.

The Commissioner,
Hosur City Municipal Corporation,
Krishnagiri.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records in proceedings Na.Ka.7501/2019/A3 dated 21.4.2020 on the file of the respondent is unjust, illegal and quash the same.

For Petitioner : Ms.R.Poornima

For Respondents: Mr.N.Subbarayalu, Standing Counsel

ORDER

The petitioner, a lessee of the respondent Municipality in respect of a shop from the year 1992, was paying a sum of Rs.6000/- as monthly rent. It has been periodically increased with every year with some marginal increase and all of a sudden in the year 2019, the respondent has hiked the rent and demanded a sum of Rs.1,35,000/- from the year 2020. As against the notice of demand, the petitioner has filed the writ petition in W.P.No.26654 of 2019 and also obtained an interim order permitting the petitioner to pay 50% caution deposit demanded by the respondent Municipality and to pay 50% of the monthly rent. Subsequent to this order, the Respondent Corporation has issued the impugned communication dated 21.4.2020 directing this petitioner to pay a sum of Rs.27,50,841/- towards the remaining 50% due including GST charges for the period from 1.4.2016 to 31.3.2020. Aggrieved over the same, the present writ petition has been filed.

2. Mr.N.Subbarayulu, learned Standing Counsel for the Respondent Municipal Corporation submits that this court, as interim arrangement, permitted the petitioner to pay 50% rent, however, the petitioner is not exempted from paying the GST tax

for the 50% amount and submit that he is liable to pay GST tax for the arrears of rent.

3. This court paid its attention to the rival submissions made by the learned counsel for the parties.

4. As against the fixation of rent to the tune of Rs.1,35,000/- the petitioner had also filed writ petition before this court in W.P.No.26654 of 2019 and this court has also made an interim arrangement, by order dated 17.10.2019 permitting the petitioner to pay half of the enhanced rent pending that writ petition. The subject matter as to whether the respondent Corporation can fix the rent as Rs.1,35,000/- is still pending before this court in W.P.No.26654 of 2019. Now, there is no dispute that the petitioner is paying the amount as directed by this court as interim arrangement, however, the petitioner is aggrieved that vide the impugned communication, the respondent has claimed GST amount for the entire amount of Rs.1,35,000/- from the month of April 2016 to March 2020 and aggrieved over the same, the present writ petition has been filed.

5. Since this court has already observed that the petitioner has to pay a sum of Rs.65,000/- as rent it also includes the liability to pay GST for the said sum of Rs.65,000/-. The respondent can claim the GST for the remaining amount after succeeding in the other writ petition.

6. In view of the above, the writ petition is partly allowed setting aside the impugned order and directing the petitioner to pay GST amount at the rate of 18% for the amount which he is paying to the Corporation from 17.10.2020. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ssk.

To

The Commissioner,
Hosur City Municipal Corporation,
Krishnagiri.

+1cc to R.Poornima, Advocate, SR.No.7554

W.P.No.19538 of 2020

RSV(CO)
KKV/16/03/2021