BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.17333 of 2022
and
W.M.P.(MD).No.12645 of 2022

M/s.Sri Ramji Iron Works,
Represented by its Proprietor,
T.Punnaivanam ... Petitioner

Vs.

The Assistant Commissioner, (ST)
Commercial Tax Office,
Weaver Colony,
Madurai Road,
Aruppukkottai,
Virudhunagar District. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to continue to receive the interest portion of sale tax on installment basis.

For Petitioner : Mr.N.Sundaresan

For Respondent : Mr.P.Subbaraj,
Special Government Pleader.

ORDER

This Writ Petition seeks injunction restraining the respondents from implementing the proceedings with the auction notice dated 08.06.2022. Further directed the respondent to receive the interest portion of sale tax on installment basis.

2. The contention of the petitioner is that the petitioner is running a small time steel work business. The petitioner has been doing the business for the past 14 years. He has been regularly paying the sales tax. During the year 2014, the petitioner has some slackness in his business and incurred heavy loss and not even able to pay salary to his workers, due to which the tax could not be paid in time. Hence, the tax due of Rs.7,16,672/- accrued as on 22.01.2016. Thereafter, on 30.05.2018, the petitioner had paid the entire tax dues. However, the respondent had charged the petitioner for the interest of tax amount of Rs.5,82,772/- in the year 2019 for payment delay. The petitioner had paid the amount in part and now the interest due is reduced to Rs.4,72,772/-. In the meanwhile, the respondent issuing auction notice regularly on 31.05.2022, 30.06.2022 and lastly on 08.06.2022. Though the petitioner pleaded the respondent seeking for some time with regard to payment delay of interest due, the same was not considered.

3. The learned Special Government Pleader, appearing for the respondent submits that Mr.Keerthi Varman, Revenue Inspector appeared in person along with the file and submitted that the petitioner is carrying on normal business and filing his returns regularly. The turn over made by the petitioner in his business and the tax returns reflect that the petitioner is doing his business in a profitable manner. The plea of the petitioner is that he is suffering and now seeking deferred payment, which is only to avoid payment due to the Government. Further, the learned Special Government Pleader produced the Division Bench order before this Court in W.A.No.1295 of 2017, wherein, this Court reiterated that the statutory provision has not provided payment of tax in installment and there is no right for payment of tax in installments. Hence, the interest due to be paid on the tax is also on the same footing. Hence in view of the above, this petition is to be dismissed.

4. I have considered the matter in the light of the submissions made by learned counsel for both the parties and perused the records.

5. It is seen from the records that there is no provisions in the statute to pay tax in installments and further on the statement of Mr.Keerthi Varman, Revenue Inspector, it is seen that the petitioner is carrying on regular business. In view of the same, it is seen that the tax returns indicates that the

petitioner's business is in good condition. In view of the same, this Court is not inclined to entertain this petition.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

04.08.2022

Index : Yes / No
Internet : Yes/ No
Nsr

To

The Assistant Commissioner, (ST)
Commercial Tax Office,
Weaver Colony,
Madurai Road,
Aruppukkottai,
Virudhunagar District.

M.NIRMAL KUMAR, J.

Nsr

W.P(MD).No.17333 of 2022

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