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W.P.Nos.34009 and 34011 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.34009 and 34011 of 2019

And

W.M.P.Nos.34601, 34602, 34606 and 34608 of 2019

- 1.M/s.Akshaya Hotels
Represented by its Proprietrix
Ananthi Rajasekar ... Petitioner in W.P.34009/2019
- 1.M/s.Ananthi Constructions Limited
Represented by its Managing Director
T.N.T.Rajasekar
Name changed to: Rajendra Caterers & Confectioners Ltd.
... Petitioner in W.P.34009/2019
- 2.T.N.T.Rajasekar
3.Ananthi Rajasekar ... Petitioners in both W.Ps.

Vs.

- 1.Principal Secretary to Government
Commercial Taxes and Registration Dept.
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.Arbitrator of Chits
North and South Chennai,
Court of Registrar of Chits,
Chennai – 600 001.
- 3.M/s.SAS.Chits Tamilnadu (P) Limited
known as M/s.SAS Chits Pvt. Ltd.
Represented by its
Assistant General Manager ... Respondents in both W.Ps.



W.P.Nos.34009 and 34011 of 2019

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in G.O.(D).Nos.172 and 173 respectively, of the Commercial Taxes and Registration Department dated 24.09.2019 passed by the first respondent and quash the same.

For Petitioners : Mr.G.Vairava Subramanian

For Respondents : Mr.K.M.D.Muhilan for R1 and R2
Additional Government Pleader
M/s.Raghul Balaji for R3

COMMON ORDER

W.M.P.Nos.34601 and 34606 of 2019 filed to permit the petitioners to file the writ petitions jointly are allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petitions shall be applicable only to the respective first petitioner.

2.The petitioners have filed these writ petitions seeking



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issuance of Writ of Certiorari to call for the records in G.O.(D).Nos.172 and 173 respectively, of the Commercial Taxes and Registration Department, dated 24.09.2019 passed by the first respondent and to quash the same.

3.Though these writ petitions have been filed seeking larger relief, it is now represented by the learned counsel appearing for the petitioners that even as per the terms of agreement the rate of interest is only 12%, however, in the impugned orders, the first respondent has directed the petitioners to pay the amount along with 24% interest. Hence, the interest portion in the impugned orders alone be modified by this Court.

4.Considering the limited relief now sought for by the learned counsel appearing for the petitioners, this Court is inclined to modify only the interest rate awarded in the impugned orders. Accordingly, the interest rate is modified from 24% interest for the principal amount from the date of filing of the arbitration case to till payment is made to the Chit company to 12% interest for the principal amount from the date of default to till payment is made to the Chit company. The impugned orders in all other aspects stand un-altered.



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M.DHANDAPANI,J.

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5.These writ petitions are accordingly disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

27.03.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Principal Secretary to Government
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Secretariat,
Fort St.George,
Chennai – 600 009.

2.Arbitrator of Chits
North and South Chennai,
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And

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