



WEB COPY

W.P.(MD)No.20365 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.20365 of 2023

I.Vetrivel

... Petitioner

vs.

The Superintending Engineer,
National Highways Circle,
Besant Road,
Madurai-625 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the representations filed by the petitioner on 23.06.2022 and 02.12.2022 seeking grant of GST components along with interest by applying appropriate formula prescribed under G.O.Ms.No.296 dated 09.10.2017 issued by the Finance (Salaries) Department within the time frame as may be fixed by this Court.



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For Petitioner : Mr.S.Jai Kumar
For Respondent : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition is filed for Mandamus directing the respondent to consider the petitioner's representations dated 23.06.2022 and 02.12.2022.

2. Heard the parties appearing for either side. With their consent, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is a registered contractor under the respondent National Highways Department. The petitioner has executed a contract which is prior to introduction of GST. However, for maintenance and repair works, the petitioner is liable to pay tax since GST was implemented by that time, therefore, the petitioner was directed to pay tax. However, under the Act the Government ought to pay the tax, thereafter the Government has issued G.O.Ms.No.296 dated 09.10.2017 Finance (Salaries) Department, clarifying the position.



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4. Therefore, without going into the merits of the case, this court is directing the respondent to consider the petitioner's representation dated 23.06.2022 and 02.12.2022 in the light of G.O.Ms.No.296 dated 09.10.2017 Finance (Salaries) Department within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With these observations and directions, this Writ Petition is allowed.
There shall be no order as to costs.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Sml/Nsr

22.08.2023



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To

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S.SRIMATHY, J

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