IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.37064 of 2024
and
W.M.P.Nos.40044 and 40047 of 2024

Royal Associates,
Represented by its Proprietor,
R.Inbaraj ..Petitioner

Vs.

1.The Deputy Commissioner (CT),
O/o the Deputy Commissioner (ST),
GST Appeal, Chennai-I,
PAPJM Building, Chennai-600006.

2.The Deputy State Tax Officer (ST)/
Deputy Commercial Tax Officer,
JJ Nagar Assessment Circle,
Room No.333, 3rd Floor,
Nandanam, Chennai-600 035 ..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the second respondent's demand order made in Reference No.ZD330923145598Z dated 22.09.2023 and order dated 23.10.2024 passed by first respondent in ARN # AD330424016514I and quash the same and consequently direct the respondents to give an opportunity of personal hearing and pass orders.

For Petitioner : Mr.P.Suresh Babu

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

The present writ petition is filed challenging the impugned proceedings dated 22.09.2023 on the premise that the levy of interest has been made without putting the petitioner on notice.

2. It is submitted by the learned counsel for the petitioner that though a notice was issued issued on 19.09.2022, however, the same was uploaded in "view additional notices and orders", therefore, he was not in a position to respond. It is submitted by the learned counsel for the petitioner that after being aware of the passing of the impugned order, an appeal was preferred, however the same was rejected on the premise that the appeal was barred by limitation. It is submitted by the learned counsel for the petitioner that left with no other alternative remedy, petitioner have preferred the present writ petition against the impugned order d ated 22.09.2023.

3. To the contrary, it is submitted by the learned Special Government Pleader for the respondents that interest is for the belated payment of taxes, which is compensatory and automatic, there is no discretion with the assessing authority. Therefore, even if the petitioner had responded to the notice dated 19.09.2022, the conclusion would not have been any different.

4. Learned counsel for the petitioner would submit that they are ready and willing to pay 50% of the interest, within a period of two weeks from the date of receipt of a copy of this order and would only request that they may be heard as to whether levy of interest is valid or otherwise, which was not seriously objected to by the learned Special Government Pleader for the respondents.

5. In view thereof, the impugned order dated 22.09.2023 is set aside and the petitioner shall remit 50% of the interest, within a period of two weeks from the date of receipt of a copy of this order. On such payment, the petitioner would be heard and orders would be passed afresh. It is always open to the respondent authorities thereafter to proceed, in accordance with law. If there are any other remedies that are available in terms of Amnesty Scheme, it is open to the

petitioner to work at its remedy, in the manner known to law.

6. Accordingly, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.12.2024

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To
1.The Deputy Commissioner (CT),
O/o the Deputy Commissioner (ST),
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PAPJM Building, Chennai-600006.

2.The Deputy State Tax Officer (ST)/
Deputy Commercial Tax Officer,
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Room No.333, 3rd Floor,
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<u>MOHAMMED SHAFFIQ, J.</u>

mrn

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