



W.P.(MD).No.25947 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.25947 of 2024

and

W.M.P.(MD)No.22015 of 2024

M/s.Sri Pathy Associates Private Limited,
Represented by its Chairman cum Director,
No.62, Thangaperumal Street,
Erode – 638 001.

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Public Works Department,
Secretariat,
Chennai – 600 009.

2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Commercial Tax Department,
Fort St.George,
Chennai – 9.

3.The Commissioner of Commercial Tax,
Ezhilagam,
Chepauk,
Chennai – 5.

4.The Engineer in Chief, (Buildings),
Public Works Department,
Chepauk,
Chennai – 600 002.



W.P.(MD).No.25947 of 2024

5.The Superintending Engineer,
Public Works Department,
Buildings (C&M) Division,
Medical Works,
Trichy – 620 001.

6.The Executive Engineer,
Buildings (C&M) Division,
Medical Works, Trichy – 620 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents to pay sum equivalent to the liability towards payment of GST to the petitioner in respect of the agreement No. 91/BC/MW/TRY/2015-16 as per G.O.Ms.No.296 Finance (Salaries) Department dated 09.10.2017 along with interest by considering the representations of the petitioner dated 02.05.2019, 24.07.2019, 04.10.2021, 08.11.2021, 01.12.2021, 15.04.2023, 28.03.2023, 06.09.2023, 08.09.2023 and 27.02.2024, within a time frame fixed by this Court.

For Petitioner : Mr.D.Kirubakaran
For M/s.Saravanan Associates

For Respondents : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

Heard Mr.D.Kirubakaran, for M/s.Saravanan Associates, learned counsel for the petitioner and Mr.J.K.Jeyaseelan, learned Government Advocate for the respondents.



W.P.(MD).No.25947 of 2024

2. The present Writ Petition is filed praying for a Mandamus, directing the respondents to pay sum equivalent to the liability towards payment of GST to the petitioner in respect of the agreement No. 91/BC/MW/TRY/2015-16 as per G.O.Ms.No.296 Finance (Salaries) Department dated 09.10.2017 along with interest by considering the representations of the petitioner dated 02.05.2019, 24.07.2019, 04.10.2021, 08.11.2021, 01.12.2021, 15.04.2023, 28.03.2023, 06.09.2023, 08.09.2023 and 27.02.2024.

3. Even though larger relief has been sought for, the learned counsel appearing for the petitioner would submit that he would be satisfied if a direction is issued to the concerned authority to dispose of the petitioner's representation dated 27.02.2024 within a time frame fixed by this Court.

4. The learned Government Advocate appearing for the respondents on the other hand would submit that the office of the fifth and sixth respondents has been re-designated. He would further submit that the redesignated authority/5th respondent is the appropriate authority to dispose of the petitioner's representation.



W.P.(MD).No.25947 of 2024

WEB COPY

5. Considering the fact that there has been re-designation of the fifth and sixth respondents, the petitioner shall make a fresh representation to the redesignated authority/5th respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the said redesignated authority/5th respondent shall consider the petitioner's representation and pass orders on merits and in accordance with law, within a period of eight weeks therefrom.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.25947 of 2024

To:
WEB COPY

- 1.The Secretary to Government,
The State of Tamil Nadu,
Public Works Department,
Secretariat,
Chennai – 600 009.
- 2.The Secretary to Government,
The State of Tamil Nadu,
Commercial Tax Department,
Fort St.George,
Chennai – 9.
- 3.The Commissioner of Commercial Tax,
Ezhilagam,
Chepauk,
Chennai – 5.
- 4.The Engineer in Chief, (Buildings),
Public Works Department,
Chepauk,
Chennai – 600 002.
- 5.The Superintending Engineer,
Public Works Department,
Buildings (C&M) Division,
Medical Works,
Trichy – 620 001.
- 6.The Executive Engineer,
Buildings (C&M) Division,
Medical Works,
Trichy – 620 001.



WEB COPY



W.P.(MD).No.25947 of 2024

K.KUMARESH BABU, J.

Nsr

W.P.(MD).No.25947 of 2024

05.11.2024