IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10344 of 2025

SAI SPEED MEDICAL INSTITUTE PVT. LTD.,
Rep. by its Founder and Managing Director,
Dr.K.Vinayak Senthil .. Petitioner

Versus

1. The State of Tamil Nadu,
   Rep. by its Secretary, Finance Department,
   Tamil Nadu Secretariat,
   Fort St. George,
   Chennai - 600 009.

2. The Principal Secretary,
   Department of School Education,
   Secretariat,
   Chennai - 600 009.

3. The Joint Commissioner of CGST and
   Central Excise,
   O/o the Principal Commissioner of CGST and
   Central Excise,
   Chennai North Commissionerate,

No.26/1, Mahatma Gandhi Road,
Chennai - 600 034.

4. The Joint Commissioner of State Tax,
O/o the Joint Commissioner of State Tax,
32, Elephant Gate Bridge Road,
Integrated Commercial Taxes Office,
Periamet, George Town,
Chennai - 600 003. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioner institute's representations, dated 05.02.2025 on merits pertaining to the GST claim of the 3rd and 4th respondents within a time frame fixed by this Court.

For Petitioner : Mr.A.Shabnam Banu

For Respondents : Mrs.R.Rajarajeswari,
Government Advocate, for RR-1 and 2

: Mr.V.Venkata Seshaiah,
Government Advocate, for RR-3 and 4

ORDER

The petitioner namely, M/s.Sai Speed Medical Institute Private Limited, has filed the present Writ Petition with a prayer to consider the its representation, dated 05.02.2025 on merits pertaining to the G.S.T claim of the respondent Nos.3 and 4 within a time frame fixed by this Court.

2. The case of the petitioner is that upon request by the respondent Nos.1 and 2, more specifically, the Department of School Education, the petitioner undertook the exercise of coaching the Government School students for preparation of the NEET Examination. According to the petitioner, a particular amount was accepted by the second respondent department and there is a due of a sum of Rs.18,54,81,197/- to the petitioner. The same remains unpaid. Earlier, when the petitioner approached this Court by way of a Writ Petition, the same came to be dismissed. Aggrieved by the same, the petitioner filed W.A.Nos.263 and 108 of 2022. A Review Application was also filed.

3. When the said matters came up for hearing, it was argued on behalf of the petitioner that they will withdraw all their cases and then, they will

approach the Government for settlement of dues and if the Government does not appropriately settle it to them, they will take the remedy of the Civil Court. Therefore, the petitioner had made the present representation, dated 05.02.2025 to the Principal Secretary, Department of School Education. When the same is pending, placing reliance on the value of the contract, the third respondent namely, the Joint Commissioner of Central Goods and Services Tax and Central Excise also passed an order on 17.01.2025 imposing a tax liability of Rs.2,82,93,742/- and further imposing 100% penalty on the said amount, which is now totally disputed by the School Education Department on contention that the petitioner ran the entire exercise for free of cost. It is, at this stage, the petitioner has approached this Court by way of the present Writ Petition.

4. The petitioner as well as the respondent Nos.1 and 2 will be governed by the earlier judgment of this Court, dated 01.08.2022 in W.A.Nos.263 and 108 of 2022 that is passed by the Division Bench. The said order is extracted hereunder for ready reference:-

> "The learned Senior Counsel appearing for the writ appellants, after arguing the case at length, prays for withdrawal of the Writ Appeals, Writ Petition as also the Review Application with liberty to approach the Government for settlement of dues and if it is not appropriately settled to them, to take the remedy of Civil Suit. In view of the above, the Writ Appeals, Writ Petition and the Review Application are dismissed as withdrawn, with the said liberty. There shall be no order as to costs. Consequently, the miscellaneous petitions are closed."

Therefore, in tune with the said judgment, the petitioner had approached the second respondent by way of the present representation, dated 05.02.2025 for settlement of the dues.

5. The second respondent is yet to respond to the same. Therefore, the second respondent shall consider the representation and pass orders in accordance with law. If the amount is sanctioned and paid to the petitioner, the petitioner's grievance shall stand resolved. If the amount is refused by the second respondent, then, as per the judgment of the earlier Division Bench, the petitioner has to take recourse to the Civil Court.

6. The second respondent shall pass orders on the petitioner's representation within a period of eight weeks from the date of receipt of a web-copy of this order. In the meanwhile, though, normally, the tax authorities, such as the third respondent, will act only on the invoice that is raised by the petitioner himself and will not be concerned with the dispute that is made by the ultimate person who has to make the entire invoice amount including G.S.T. In this case, the authority which is ultimately liable to pay the amount to the petitioner and the G.S.T, if any, is only the second respondent which is also the arm of the Government. It is yet to decide the issue. Therefore, the third respondent shall not take any further coercive steps until the decision is taken by the second respondent in this regard. After the decision is taken, it would also be open to the petitioner to assail the order passed by the third respondent also in the manner known to law. It would be open for the petitioner to pray for such interim orders before the Civil Court in the event the petitioner is relegated to the Civil Court.

7. This Writ Petition is disposed of. There shall be no order as to costs.

23.04.2025

Neutral Citation : no
grs

To

1. The Secretary, Finance Department,
   Tamil Nadu Secretariat,
   Fort St. George,
   Chennai - 600 009.

2. The Principal Secretary,
   Department of School Education,
   Secretariat,
   Chennai - 600 009.

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   Central Excise,
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Periamet, George Town,
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D.BHARATHA CHAKRAVARTHY, J.

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