IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

TC Nos. 113 & 114 of 2025

Tvl Shriram Finance Ltd.,
(Formerly Known as Tvl. Shriram City Union Finance Ltd) No.4 Lady Desikachery Road, Mylapore, Chennai 600004 Now office at No.144 Santhome High Road, Santhome, Chennai 600 004

(Cause title accepted vide order of this Court dated 12.11.2025 in CMP.Nos.27245 & 27887 of 2025 in TC.Sr.Nos.93189 & 93199 of 2025)

..Petitioner in both TC's

Vs

State of Tamil Nadu
rep by the Joint Commissioner (CT), Chennai (East) Division, Chennai.

..Respondent in both TC's

Common Prayer: Tax cases filed under Section 60(1) of TNVAT ACT 2006 to set-aside the order of the Sales Tax Appellate Tribunal, Main Bench in TA.Nos.51/2019 and 94/2018 dated 25.03.2025 and allow the present appeal.

In both TC's

For Petitioner(s): Mr.Logesh.G
for Mr.Sivaraman R

For Respondent(s): Mr. V.Prashanth Kiran
Government Advocate

COMMON ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

Mr.V.Prashanth Kiran, learned Government Advocate accepts notice for the respondent and is armed with necessary instructions. Hence, by consent of both sides, the Tax Cases are taken up for final disposal, even at the stage of admission.

2. Learned counsel for the petitioner fairly states that the issue arising for consideration in these Tax Cases relating to assessment years 2017-18 and 2014-15 are covered against the assessee by a decision of the Division Bench of this Court in *Tvl. Shriram Finance Ltd. V. State of Tamil Nadu* (T.C.(R) No.101 of 2025 dated 16.10.2025).

3. The issue in these Tax Cases relates to the treatment of turnover from hypothecation as sale. The following substantial questions of law are admitted for consideration of these Tax Cases:

> *1. Whether, on the facts and in the circumstances of the case, the Hon'ble Appellate Tribunal was right in law in stating that the Petitioner/Appellant would fall within the ambit of "dealer" as per section 2(15) of the TNVAT ACT, 2006?*
> *2. Whether, on the facts and in the circumstances of the case, the Hon'ble Appellate Tribunal right in law in stating that sale of repossessed vehicle on behalf of the defaulter by the Petitioner/Appellant would be liable to pay taxes under VAT Act on the sales of the Hypothecated Motor Vehicles?*
> *3. Whether, on the facts and in the circumstances of the case, the Hon'ble Appellate Tribunal was right in law in stating that the Petitioner/Appellant is a dealer even though the contractual agreements specifically states the Petitioner/Appellant is not the owner of the Vehicle?*

4. Whether, on the facts and in the circumstances of the case, the Hon'ble Appellate Tribunal was right in law in stating that Resale of Plant and Machinery, Furniture and Fittings and Fixed Asset by the Petitioner/Appellant which is used for the purpose of own business would fall within the meaning of sale and subject to VAT as per the TNVAT ACT, 2006?
5. Whether on the facts and in the circumstances of the case, the Hon'ble Appellate Tribunal was right in law in confirming the additions made to sale of Plant Machinery, Fixture, Furniture, air conditioner and gold/gold jewellery as part of business activity of the assesse?
6. Whether on the facts and in the circumstances of the case, the Hon'ble Appellate Tribunal was right in law in not treating the sale of Plant & Machinery, Fixture, Furniture, air conditioner etc. as scrap?

4. In fact, we find that the substantial questions are identical to the questions admitted and adjudicated upon in the above Tax Case (Revision). Hence, following the same, the substantial questions of law are answered against the assessee and in favour of the Revenue. These Tax Cases are dismissed. No costs.

(A.S.M.,J.) **(M.S.K.,J.)**

sl **10-12-2025**

Index: Yes/No
Speaking order
Neutral Citation: Yes

To

1.The Joint Commissioner (CT), Chennai (East) Division, Chennai.

2.The Tamil Nadu Sales Tax Appellate Tribunal, Main Bench, Chennai.

DR.ANITA SUMANTH J.

AND

MUMMINENI SUDHEER KUMAR J.

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