BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.1048 of 2023
and
C.M.P(MD)No.7985 of 2023

1.The Additional Commissioner (Review and Appeal),
Office of the Principal Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai – 5.

2.The Joint Commissioner (ST),
Trichy Division,
Trichy.

3.The Assistant Commissioner (ST),
Mailamchandai-I Assessment Circle,
Trichy. ... Appellants/Respondents

vs.

M/s.Shanthi Guru Marketing,
Represented by its Proprietor,
V.Shripal Sanghvi. ... Respondent/Petitioner

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 18.03.2022 made in W.P(MD)No.1113 of 2021.

For Appellants : Mr.R.Suresh Kumar
Additional Government Pleader

For Respondent : Mr.R.D.Ganesan

JUDGMENT

(Judgment of the Court was delivered by J. NISHA BANU, J.)

The present Writ Appeal is directed against the order passed by the Writ Court dated 18.03.2022 made in W.P(MD)No.1113 of 2021.

2.The Writ Court while allowing the Writ Petition passed the following order:

> *"12.Under these circumstances, I am inclined to allow this Writ Petition with a direction to the third respondent to refund a sum of Rs.6,26,404/- together with interest at 2% from the date of 1st July 2017. This exercise shall be completed by the third respondent within a period of 6 weeks from the date of receipt of a copy of this order either by way of pay order or by crediting the amount in the*

Electronic Cash Register of the petitioner. The respondents shall also pay the proportionate interest on the entire amount at 2% in terms of Section 42 (5) of the Tamil Nadu Value Added Tax Act, 2006."

3.When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the appellants would submit that his grievance is only in respect of the interest awarded by the writ Court.

4.The learned counsel appearing for the respondent would also state that the percentage of interest contemplated under the Tamil Nadu Value Added Tax, 2006 is only 0.5% and therefore, he is agreeable for the 0.5% interest.

5.In the light of the above, the interest awarded in the impugned order in W.P(MD)No.1113 of 2021 is modified from 2% to 0.5% as per the provisions of the Tamil Nadu Value Added Tax, 2006. The third respondent is directed to refund a sum of Rs.6,26,404/- together with interest at the rate of 0.5% from the date of 1st July, 2017, within a period of four weeks from the date of receipt of a copy of this order, either by way of pay order or by crediting the amount in the Electronic Cash Register of the petitioner. The respondents shall also pay the proportionate interest on the entire amount at 0.5% in terms of Section 42 (5) of the TNVAT Act, 2006. However, all other observations and findings in the said order shall remain intact.

6.With the above modification, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
12.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.A(MD)No.1048 of 2023

DATED : 12.02.2025