Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 07/09/2026

(1972) 09 MAD CK 0009

In the Madras High Court

Case No : T.C. No. 187 of 1967 (Appeal No. 20 of 1967)

A.S.S.S. Sankarapandia Nadar and Sons APPELLANT

Vs

State of Madras RESPONDENT

Date of Decision : 18-09-1972

Acts Referred:

Citation : (1973) 32 STC 357

Hon'ble Judges : V. Ramaswami, J;Ramanujam, J

Bench : Division Bench

Advocate : C. Venkataraman, for the Appellant; K. Venkataswami, for Government Pleader (C.T.), for the Respondent

Final Decision : Dismissed

Judgement

Ramanujam, J.—The only point that arises in this appeal against the order of the Board of Revenue passed for the assessment year 1961-62

is as to whether the appellants, who acted as the selling agents of an agriculturist-principal, can be said to be ""dealers"" in respect of sales effected

by them as such selling agents to themselves and assessed on such sales. The question has to be answered in the affirmative in view of the decisions

of this court in State of Madras v. T.C.M. Society Ltd. [1965] 16 S.T.C. 760 and Deputy Commissioner of Commercial Taxes v. Anantharama

Nadar and Sons [1970] 25 S.T.C. 276 and the recent decision in C.V. Ramaswamy Gounder & Sons, Erode v. State of Madras represented by

the Deputy Commercial Tax Officer, Eroded T.C. No. 67 of 1967 reported at p. 350 supra.

2. One other point raised by the learned counsel for the appellants is that there are certain instructions issued by the Government and the Board of

Revenue to the effect that when selling agents of agriculturist-principals sell goods to themselves, they cannot be taxed on those sales, in view of the

fact that they Act as agents of agriculturist-principals whose turnover is exempted under the provisions of the Act. We are of the view that even if

such instructions had been issued, that would not prevent the State from enforcing the statutory provisions and collecting the amount due as per

statute. As pointed out by the Supreme Court in Mathra Parshad and Sons v. State of Punjab [1962] 13 S.T.C. 180 ""There can be no estoppel

against a statute. If the law requires that a certain tax be collected, it cannot be given up and any assurance that it would not be collected, would

not bind the State Government, whenever it chose to collect it."" We are, therefore, of the view that the liability under the statute cannot be avoided

by raising a plea of estoppel.

3. The tax case is, therefore, dismissed with costs. Counsel''s fee Rs. 150.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/asss-sankarapandia-nadar-and-sons…