
(2012) 02 MAD CK 0214
In the Madras High Court
Case No : Writ Petition No. 29239 of 2011

M/s. P.A.E. Ltd.

APPELLANT

Vs

The Assistant Commissioner (CT), Anna Salai I, Assessment
Circle, 621, Sire Manson, Anna Salai, Chennai-6

RESPONDENT

Date of Decision : 28-02-2012

Acts Referred:

Tamil Nadu Value Added Tax Act, 2006 — Section 27(4)

Citation : (2012) 02 MAD CK 0214

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : S. Ramanathan, for the Appellant; A.R. Jayaprathap Government Advocate (Taxes), for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice M. Jaichandren

1. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent. At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the petitioner had submitted that the impugned order of the respondent, dated 3.11.2011, in so far as it relates to the issue relating to the reversal of the Input Tax Credit, in respect of the stock transfer and the corresponding penalty imposed thereon, u/s 27(4) of the Tamilnadu Value Added Tax Act, 2006, has to be set aside, in view of the fact that the notice, dated 25.5.2011, issued by the respondent, does not contain any proposal relating to the said issue.

2. The learned counsel appearing on behalf of the respondent had also accepted the said contention made on behalf of the petitioner.

3. In view of the above, the impugned order of the respondent, dated 3.11.2011, in so far as it relates to the issue relating to the reversal of the Input Tax Credit, in respect of the stock transfer and the corresponding penalty, is set aside.

However, it is made clear that it would be open to the respondent to issue a fresh notice, if so advised, relating to the reversal of the Input Tax Credit, in respect of the stock transfer and the corresponding penalty and pass appropriate orders thereon. On receipt of such notice, if any, the petitioner shall raise its objections, within the time stipulated in the said notice. The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.