(2011) 04 MAD CK 0137

In the Madras High Court

Case No : Writ Petition No. 8283 of 2011 and M.P. No. 1 of 2011

Sheila Packaging Industries APPELLANT

Vs

The Assistant Commissioner (CT) RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Citation : (2011) 04 MAD CK 0137

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : P. Rajkumar, for the Appellant; R. Mahadevan, AGP (T), for the Respondent

Judgement

M. Jaichandren, J.—Heard the learned Counsel appearing on behalf of the Petitioner and the learned Additional Government Pleader (Tax)

appearing on behalf of the Respondent.

2. At this stage of the hearing of the writ petition, the learned Counsel appearing on behalf of the Petitioner has submitted that it would suffice, if

this Court is pleased to set aside the assessment order, dated 18.05.2010, issued by the Respondent, and if the Respondent is directed to pass a

fresh assessment order based on the documents to be submitted by the Petitioner. He had also submitted that the Respondent may be directed to

return the defective Form-17 declarations made by the Petitioner, bearing Form-17 Nos. 743271, 1514352, 1002185, 387685 and 231185, to

the Petitioner, permitting him to re-submit such forms, after making the necessary rectifications.

3. The learned Additional Government Pleader (Tax) appearing on behalf of the Respondent, has no objection for such an order being passed by

this Court.

4. Hence, the impugned order of the Respondent, dated 18.05.2010, is set aside. The Respondent shall return the defective forms (Form-17), as

found in the impugned order, dated 18.05.2010, to the Petitioner. The Petitioner shall be permitted to produce all the relevant documents in

support of his claims. He shall also be permitted to produce rectified Form-17 declarations, in respect of the assessment year, 2005-2006. The

Petitioner shall produce the relevant documents, as well as the forms, within a period of 15 days from the date of receipt of a copy of this order.

On receipt of the documents, including the forms, the Respondent shall consider the same and pass appropriate orders thereon, on merits and in

accordance with law, within a period of eight weeks thereafter.

The writ petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.