

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.04.2010

CORAM:

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

WRIT PETITION Nos.625 and 626 OF 2010

Bhavani Agencies,
Represented by its
Proprietrix Tmt.N.Shanthi,
No.2, Pondy Villupuram Main Road,
Puducherry.

... Petitioner in W.P.No.625 of 2010

Maruti Agencies,
Represented by its
Proprietor Mr.R.Thirumalai,
Plot no.3, VIP Nagar,
Arumparthapuram,
Puducherry.

... Petitioner in W.P.No.626 of 2010

vs.

The Deputy Commercial Tax Officer,
(Registration Cell)
Commercial Taxes Department,
Office of the Commissioner (CT)
Puducherry.

.. Respondent in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the respondent No.800/DCTO/(RC)/2009-10, dated 09.11.2009 and 10.11.2009, respectively quash the same.

For petitioner : Mr.R.Mahadevan

For respondent : Mr.T.P.Manoharan,
Special Government Pleader.

ORDER

These writ Petitions filed challenging the orders of the respondent, dated 09.11.2009 and 10.11.2009 respectively by which the respondent cancelled the registration of the petitioners as dealer in respect of petitioner in W.P.No.625 of 2010 for resale of petrol and diesel in RC.No.101385/87-88 for the business under the repealed

Pondicherry Value Added Tax Act, 1967 and TIN No.34310000147 under Puducherry Value Added Tax Act, 2007 and CST No.34310000147, dated 28.02.1977 under Central Sales Tax Act, 1956 and in respect of the petitioner in W.P.No.626 of 2010 as dealer for resale of petrol and diesel and granted Distinct RC No.105047/99-2000 for the said business under the repealed Pondicherry General Sales Tax Act, 1967 and TIN No.34900001132 under Puducherry Value Added Tax Act, 2007 and CST No.34900001132, dated 22.09.1999 under Central Sales Tax Act, 1956.

2.The writ petitioners are the dealers in respect of petroleum products as granted by the Indian Oil Corporation. They purchased the lubricants and sold to the customers and they are regularly assessed to tax and have been paying the same. The respondent has issued a notice on 27.10.2009 stating that the petitioner in W.P.No.625 of 2010 is in arrears of tax for the assessment years 2002-2003 to 2004-2005 and in respect of petitioner in W.P.No.626 of 2010 regarding the arrears for the assessment years 2000-2001 to 2008-2009 and proposed to cancel the registration certificate under the Puducherry Value Added Tax Act, 2007. It is stated that the petitioner in W.P.No.625 of 2010 has called for certain clarification, however, it was insisted that the proceedings would be dropped if the petitioner gives a letter of undertaking. It is believing the said words, a communication was sent on 05.11.2009 also objecting the authority of the respondent. However, the objections were not considered and a mechanical order came to be passed on 09.11.2009 which is impugned in this writ petition.

3.In respect of the petitioner in W.P.No.626 of 2010, the petitioner on receipt of the said notice dated 27.10.2009 has sent a representation on 04.11.2009 seeking for certain particulars based on which the respondent proposed to cancel the registration. In a reply sent by the respondent, dated 05.11.2009, the respondent refused to furnish copies of the documents and without granting sufficient time passed the impugned order on 10.11.2009.

4.It is the case of the petitioners that the returns filed by them are correct and regarding the sale of lubricants it should be treated as a second sales as they have purchased from the customer outlet to whom the oil corporation is supplying and therefore, it cannot be said to be first sale. It is also stated that the revenue has not taken note the closing stock and opening stock before passing the assessment orders. It is also the case of the petitioners that the tax could be paid only for the volumes sold and not supply. It is also stated that as against the assessment orders steps are taken by filing appeal. However, without considering the objections, cancellation orders passed by the respondent is illegal and inasmuch as a copy has been marked to the Indian Oil Corporation it is refusing to supply fuel to the petitioners' bunk. Against the said order of the respondent, the petitioners have filed revision and the

same was returned directing to pay 50% of the disputed tax inspite of the fact that there is no provision under the Pondicherry General Sales Tax Act for payment of such amount in revision. In addition to 25% at the time of filing of appeal as against the assessment orders the said claim is unreasonable and opposed to principles of natural justice. It is also stated that similar orders have been quashed by this Court in W.P.No.23940 of 2009.

5.The petitioner in W.P.No.626 of 2010 also stated that the petitioner has also filed a writ petition in W.P.No.43881 of 2006 challenging the validity of the amended proviso to Section 34 of the Pondicherry General Sales Tax Act and the order of the appellate authority directing the petitioner to pay 25% based on the amended provision and the same was disposed of on 30.04.2009 and under similar circumstances, in the writ appeal filed against the similar orders, the First Bench of this Court permitted the petitioners to approach the authority for furnishing security instead of payment of 25%.

6.The impugned order of cancellation are challenged on various grounds including that they are arbitrary and without jurisdiction and in violation of the principles of natural justice; that the respondent has travelled beyond the scope of notice, dated 27.10.2009; that the cancellation of registration can be done in the rarest of rare cases; that when the liability of taxes itself is questioned cancellation of registration is unwarranted; that the copies of statements from oil corporation having not been furnished before passing such order that the respondent being the registering authority cannot perform the function of the assessing authority; that the respondent has failed to take note of the fact that the entire admitted tax amount has been paid and there is no necessity to hastily cancel the registration; that the respondent has not followed any of the provisions of the Pondicherry General Sales Tax Act and Central Sales Tax Act; that it is has been the consistent decision of the High Courts as well as the Supreme Court that when the statement recorded from third parties are relied upon for making assessment, it is mandatory to furnish copies of the said statements to afford opportunity to cross examine the persons whose statements have been relied upon and that even though alternative remedy is available the writ petition is maintainable since there is violation of principles of natural justice apart from several other grounds of violation of Articles 19, 21, 265 and 300 of the Constitution of India.

7.In the counter affidavit filed by the respondent in these cases, it is stated that the petitioners have deliberately suppressed the sales turnover by ignoring the value for which they made inter-state purchase of petroleum products but paid tax only for a part of turn over. When the petitioners were asked to pay the arrears of tax and penalty for the assessment years 2002-2003, 2003-2004 and 2004-2005 in respect of writ petition W.P.No.625 of 2010 and 2000-2001 and

2001-2002 in respect of writ petition in W.P.No.626 of 2010 by the assessing authority, the petitioners have sought permission of the Assessing authority to pay the old dues of sales tax without penalty whereas as per law the same is recoverable and therefore, it cannot be said that the petitioners have been regularly assessed to tax. It was only after the investigation by the Intelligence Wing of the Revenue Department, the act of suppression by the petitioners came to lime light. The petitioners have not denied the inter state purchase of petroleum products from Indian Oil Corporation either in the assessment proceedings or in the proceedings initiated by the respondent. It is stated that the storage capacity alleged by the oil company in the retail outlet owned by the petitioners is minimal when compared to the quantity of petrol and diesel procured by the petitioners along with others from the said Oil company as seen in the respective assessment orders. Such a huge quantity of commodity i.e. petroleum products, it was found that cannot be sold in stock with low storage capacity as stated by the petitioner but it might have been sold by them. Therefore, the petitioners have not at all shown the real turn over and paid tax due thereon in returns which is unjustified. It is stated that it is the practice of the petitioners to conceal and secret a part of the turn over and the petitioners wish to disclose in the returns by withholding the tax money collected from the customers which causes serious prejudice to public finance. It is not open to the petitioners to pay tax on turn over at their whims and fancies. It is not correct to state that the cancellation proceedings notice issued on 27.10.2009 was issued only on account of failure to pay tax. It was initiated to stop further loss to the Government and to stop the operation of economic system that result in concentration of wealth. It is stated that after notice was given on 27.10.2009, 10 days time was granted and therefore, the principles of natural justice have been followed. It is stated in respect of the petitioner in W.P.No.625 of 2010, the petitioner's objection dated 05.11.2009 was considered before passing the impugned order.

8.Likewise in respect of the petitioner in W.P.No.626 of 2010, the petitioner by letter dated 04.11.2009 sought only details of the extract of M/s.Indian Oil Corporation and has not requested any time. However, the respondent has given five days time to file objection on 05.11.2009 and therefore, the principles of natural justice has been followed. It is repeated that the cancellation order was passed to stop further loss to the Government. The cancellation was effected only to avoid white collar crime being carried out at the cost of exchequer while it is the right of carrying on the business of the petitioner, it is the quasi judicial function of the authority to act in consonance with the Directive Principles of the State Policy taking note of the public interest. It is stated that no appeal is pending against the order of assessment before any appellate forum and the respondent has filed recovery petition in Judicial Magistrate Court as per law.

9. In the cancellation proceedings, there is no question of examining of witnesses. Even in respect of the assessment proceedings, the Assessing Officer has only relied upon the declaration in Form-C issued by the petitioner and the petitioner cannot disown the contents of Form-C. It is stated that Pondicherry General Sales Tax Act, 1967 envisage levy at first point of sale and the petitioner as first seller in the Union Territory of Pondicherry is liable to pay tax and the petitioners are deemed to be dealers under Section 2(h) of the Act which includes every kind of commission agent. It is stated that the petitioners have been regularly purchasing petrol and diesel from the Indian Oil Corporation, Chennai by issuing declaration Form-C as per the Central Sales Tax Act, 1956 and the respondent Department was kept in dark about utilisation of declaration Form-C which is exclusively within the knowledge of the petitioners and therefore, the question of furnishing such materials does not arise and the same is against the provision of the Pondicherry General Sales Tax Act and Section 11 read with Section 81 of the Puducherry Value Added Tax Act, 2007 and Section 106 of the Indian Evidence Act 1872 and it is for the petitioner who has to furnish details. Since the issue is other than the assessment proceedings, the modification of the assessment order is barred under Section 55 of the Pondicherry General Sales Tax Act, 1967 and in case the petitioner wants to question the validity of the assessment order, he has to only approach the appellate authority and the petitioners having not challenged the order of assessment, the Department has filed the recovery proceedings before the Judicial Magistrate Court as per the provisions of the repealed Pondicherry General Sales Tax Act, 1967. Under Section 44 of the repealed Pondicherry General Sales Tax Act, 1967 and Section 53 of the Puducherry Value Added Tax Act there is a responsibility on every registered dealer to maintain true and correct accounts and records and are required to discharge the liability in the manner prescribed and a person who is a dealer making inter-state purchase has to maintain a separate accounts as per the Pondicherry General Sales Tax Rules, 1967 and the Puducherry Value Added Tax Rules, 2007. While it is admitted that the registering authority cannot perform the function of the appellate authority, the impugned order of cancellation is well within its powers. Against the cancellation proceedings, the petitioners have approached the revisional authority on 19.11.2009 by filing the revision petition under Section 45 of the Pondicherry Value Added Tax Act, 2007 and on direction given by the revisional authority to supply certain omissions like proof of payment of admitted tax and 50 per cent of the disputed tax vide notice dated 26.11.2009 without complying the same, the petitioners have withdrawn the revision petition and having withdrawn the revision petition, the petitioners cannot be permitted to file the present writ petitions under Article 226 of the Constitution of India and filing of the writ petition itself is to wriggle out of the condition imposed by the revisional authority in respect of payment of 50% of the disputed

tax. It is stated that in respect of the petitioner in W.P.No.625 of 2010, the amount of disputed tax is Rs.40,92,097/- while in respect of the petitioner in W.P.No.626 of 2010, the amount of disputed tax is Rs.4,81,85,768/-. It is stated that the respondent has filed various petitions before the Judicial Magistrate for recovery of tax, penalty and booked the petitioner under various offences and it is stated in respect of W.P.No.625 of 2010 in respect of financial years 2002-2003, 2003-2004 and 2004-2005, the total amount of Rs.81,84,193/- as tax evasion for which the petitioner was imposed Rs.1,73,01,293/- and various cases in C.C.Nos.367 and 648 of 2008 and 437 of 2009 have been filed before the criminal court.

10.Likewise, it is stated that in respect of W.P.No.626 of 2010 for the financial years 2002-2003, 2003-2004, 2004-2005, 2005-2006 and 2006-2007 a total amount of Rs.4,47,81,688/- came to be detected and penalty imposed to the extent of Rs.7,54,73,861/- and various criminal complaints have been lodged in C.C.Nos.303, 341, 382, 403 and 629 of 2008. In spite of criminal cases having been lodged, there is no change in the attitude of the petitioners. The petitioners have not paid any of the arrears and are not entitled to maintain the writ petition. It is also stated that in respect of petitioner in W.P.No.626 of 2010, even though the petitioner is the sole proprietor on record, the business is operated by another person Thiru.Saravanan, S/o.Thirumal as a beneficial owner and enjoyed the fruits of the business and yet another person Thiru.Ganesan, S/o.S.P.Manickasamy stood as a surety for and on behalf of the business and the respondent Department has filed complaint and the Judicial Magistrate Court proceeds for trial as per the provisions of the Benami Transactions (Prohibition) Act, 1988.

11.Mr.R.Mahadevan, learned counsel for the petitioners would submit that in respect of petitioner in W.P.No.626 of 2006 after the notice was issued, the petitioner has called for certain particulars and the respondent has declined to furnish the same. It is his submission that under the impugned order of cancellation some other reasons have been assigned. He would also bring to the notice of this Court that similar notices came to be quashed by this Court. It is also his submission that the entire admitted tax has been paid and 25% of the tax will be paid at the time of filing of appeal. It is his submission that the very contents of the counter affidavit show the turbulent attitude of the respondent Department. It is his submission that the impugned order of cancellation is opposed to the principles of natural justice and outside the purview of the tax law.

12.On the other hand, Mr.T.P.Manoharan, learned Special Government Pleader submitted that the petitioners having filed revision papers before the revisional authority and have withdrawn the revision without complying the condition of payment of 50% disputed tax amount and therefore, the petitioners having resorted to the revisional remedy which is alternative remedy available under the

Act cannot be permitted approached this Court by filing the writ petition. It is stated that the writ petition has been filed after having resorted to the remedy available under the Act and without fulfilling the conditions, the present writ petitions are filed. It is also his submission that as against the original assessment order, no appeal has been filed and therefore, the same has become final. To substantiate his contention that the conduct of the petitioners amounts to tax evasion, he would rely upon a judgment of the Hon'ble Supreme Court in 1994 (2) SCC 718 (Life Insurance Corporation of India Vs. Asha Ramchandrar Ambekar (Mrs) and another) apart from the judgment reported in 2009 23 VST 107 (Mad) (Sujana Universal Industries Ltd., Vs. Deputy Commercial Tax Officer, Valluvarkotam Assessment Circle, Chennai).

13. I have considered the rival submissions made on either side and perused the materials available on record and also given my anxious thought to the issue involved in these cases.

14. In the show cause notice issued by the respondent proposing to cancel the registration of the petitioners under Section 12 of the Puducherry Value Added Tax Act, 2007 read with Central Sales Tax Act based on the report of the Assessing Officer about the evasion of tax and failure to pay penalty for the assessment years 2002-2003, 2003-2004 and 2004-2005 in respect of W.P.No.625 of 2010 arriving arrears of tax at Rs.1,15,34,193/- and penalty at Rs.1,73,01,293/- to a total extent of Rs.2,88,35,486/-. In respect of the petitioner in W.P.No.626 of 2010 regarding the assessment years 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008 and 2008-2009 claiming arrears of tax Rs.9,63,71,536/- and penalty of Rs.14,63,07,330/- to a total extent of Rs.24,26,78,866/-. The said notices were given on 27.10.2009 calling for objections, if any, or to pay the tax and penalty on or before 06.11.2009.

15. The petitioner in W.P.No.625 of 2010 in a letter dated 05.11.2009 has given a reply stating that the Puducherry Value Added Tax Act, 2007 is in prospective nature which came into force from 03.12.2007 and therefore, the notice of cancellation is not attracted since proceedings have already been initiated under the existing Pondicherry General Sales Act, 1967 and therefore, the initiation of recovery proceedings and cancellation does not arise.

16. In W.P.No.626 of 2010 by his letter, dated 04.11.2009 addressed to the respondent, the petitioner has sought for certain clarification in respect of 2007-2008 stating that the arrears of tax as per the assessment order for the year 2007-2008 has been noted in the show cause notice as if it is for the assessment year 2008-2009 and that demand has been raised even before the assessment is completed. As a reply to this letter, the respondent in the letter dated 05.11.2009 has refused to furnish particulars stating that the details are available with the petitioners themselves stating that

"the details which the dealer now called for are available with them and as such it cannot be furnished" and thereafter, the impugned orders came to be passed cancelling the registration.

17.A reference to the impugned order shows that the main basis for the order of rejection was that there has been tax evasion and the fraud causing loss to the exchequer and also the impugned order proceeds on the basis that the Governemnt has responsibility under Article 39(c) of the Constitution of India to frame policy to ensure that the operation of economic system does not result in concentration of wealth and means of production to the common detriment.

18.The main contention of the learned counsel for the petitioners is that while the show cause notice gives for one reason, the impugned order of cancellation proceeds on different reasons. In the show cause notice, dated 27.10.2009, the reason adduced in both the cases is as follows:

"3.The attitude of non-payment of tax and penalty on the part of the dealer over the years resulted in huge accumulation of arrears. If the dealer is still allowed to continue his business, the arrears of tax and penalty will further accumulate causing great loss to the Government exchequer. Therefore, in order to safeguard the government revenue, the undersigned finds that this is a fit case for cancellation of registration under Section 12 of the Puducherry Value Added Tax Act, 2007 and under Section 7 (4) of the Central Sales Tax Act, 1956".

However, in the impugned orders the respondent has chosen to refer to one other reason that the petitioners have failed to file extract of quarterly basis regarding the declaration Form-C as prescribed under Rule 14(10) of the Central Sales Tax (Pondicherry) Rules, 1967. Further, the explanation submitted by the petitioner in W.P.No.625 of 2010, dated 05.11.2009 has not been considered at all which is apparent on the face of the impugned order passed by the respondent. As far as the assessment order for the said years if and only, the petitioners file appeal the condition of payment of 25% of tax would arise. In any event that relates to the recovery of arrears of tax.

19.It is also not in dispute that under exactly similar circumstance, this Court in more than one cases, in respective of the respondent itself, has set aside the orders on the ground of violation of the principles of natural justice, however, directing the respondent to proceed in accordance with law. In one such order in W.P.No.23940 of 2009 in S.Kathiresan Vs.The Deputy Commercial Tax Officer, (Registration Cell), Commercial Taxes Department, Office of the Commissioner (CT), Puducherry in the order, dated 23.11.2009, under similar circumstance, The Hon'ble Mrs.Justice Chitra

Venkataraman has passed the following order:

"3.A perusal of the order passed further shows that quite apart from reasons given as a basis for issuance of a show cause notice, the order further refers to yet another reason that the petitioner had failed to file extract as regards the Declaration Form-C as prescribed under sub rule (10) of rule 14. A reading of the order thus reveals that more than one reason had resulted in persuading the officer to pass order of cancellation. Considering the fact that the status as a registered dealer confer certain rights and privilege on the dealer under the Act, in fairness to the rights of the petitioner, the respondent should have intimated about not only the rejection of the request seeking time but also the grounds on which the proposal is made, so that the petitioner has the opportunity to rebut the same.

4.As rightly contended by the learned counsel for the petitioner, if the order proceeds on the reasons other than those stated in the notice, in fairness to the claim of the petitioner, the respondent should have indicated the same too in the notice. In the circumstances, I have no hesitation in accepting the plea of the petitioner that the order is passed without observing the principles of natural justice and the same has to be set aside.

5.Learned Special Government Pleader appearing for the respondent pointed out that the petitioner is in arrears as stated in the notice. Per contra, the learned counsel for the petitioner however pointed out that as per audit statement, the petitioner had paid more than what had been demanded. It is not necessary for this Court to go into this disputed facts as to the amount remitted by the petitioner. However, since the petitioner's case is that he had paid more than the amount demanded and the respondent insist that the petitioner is in arrears of tax, it is necessary that the petitioner and the respondent settle the dispute as to the arrears and verify whether the petitioner had paid in excess. As already pointed out, this is a matter which the authorities and the assessee has to be settled. As regards the order now impugned, I have no hesitation in setting aside the same, but this does not mean that the hands of the respondent are tied. It is open to them to proceed in accordance with law".

The facts of the present case are exactly similar to that case as stated supra excepting of course that in the present case, it appears that the petitioners have filed revision before the revisional

authority which came to be withdrawn and thereafter, the present writ petitions are filed.

20. Law is well settled that in cases where there are violation of principles of natural justice, the availability of alternative remedy is not a bar for filing a writ petition under Article 226 of the Constitution of India. The basic ground with which the present writ petitions are filed are not only that the show cause notice gives one reason and the impugned orders of cancellation proceeds on different reasons and therefore, there was no occasion for the petitioners to effectively defend themselves especially in the circumstance that a valid right, which is certainly a right conferred under Article 19(1)(g) of the Constitution of India was sought to be taken away and therefore, it is in violation of the principles of natural justice. As I have stated earlier, there are apparent differences and discrepancies between the reasons given in the show cause notice and the impugned order by which the registration stood cancelled.

21. In such view of the matter, the compliance of natural justice would be completed only if the reasons which were the basis for the impugned orders were indicated in the show cause notice so as to enable the petitioners to give effective reply, and that is the initial stage of the principles of natural justice. When in that stage itself there is a violation, I am of the considered view that mere withdrawal of revision wherein the statutory condition is onerous in directing to pay 50% of the amount cannot stand as a stumbling block for enforcing the right of principles of natural justice as held by the learned Judge in the said case stated supra. It is not as if the respondent department left with no powers and no means to proceed in accordance with law. It is always open to them to proceed in accordance with law and pass appropriate orders. Such view does not mean that it supports the conduct of the petitioners in making tax evasion. If really such serious conduct has been committed by the petitioners, certainly, the petitioners are liable for such action. But such action should be on the basis of sound legal principles taken cautiously by following the principles of natural justice and giving full opportunity to the petitioners. Such celebrated concept having not been followed on the facts of the present case, there is no difficulty to conclude that as directed by the learned Judge as stated above that the impugned orders suffer from want of following the principles of natural justice.

22. The reliance placed on by the learned counsel for the petitioners the judgment of the Hon'ble Supreme Court reported in 1994 (2) SCC 718 (Life Insurance Corporation of India Vs. Asha Ramchandra Ambekar (Mrs) and another) has no application to the facts of the present case. That was a case relating to compassionate appointment wherein the High Court has directed the authority to straight away give appointment on compassionate appointment instead

of directing the employer to consider the claim of the person concerned. The reliance placed by the learned counsel for the petitioner in paragraph 11 of the judgment which is as follows:

"11.At this juncture we may usefully refer to Martin Burn Ltd. Vs. Corporation of Calcutta. At page 535 of the Report the following observations are found:

"A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve what it considers a distress resulting from its operation. A statute must of course be given effect to whether a Court likes the result or not."

The courts should endeavour to find out whether a particular case in which sympathetic considerations are to be weighed falls within the scope of law. Disregardful of law, however, hard the case may be, it should never be done. In the very case itself, there are regulations and instructions which we have extracted above. The court below has not even examined whether a case falls within the scope of these statutory provisions. Clause 2 of sub-clause (iii) of Instructions makes it clear that relaxation could be given only when none of the members of the family is gainfully employed. Clause 4 of the circular dated January 20, 1987 interdicts such an appointment on compassionate grounds. The appellant Corporation being a statutory Corporation is bound by the Life Insurance Corporation Act as well as the Statutory Regulations and Instructions. They cannot be put aside and compassionate appointment be ordered".

has absolutely no relevance to the facts of the present case. Here, it is a case of not following the principles of natural justice which means to hear the other side before passing of the adverse order against him.

23.A reference to a judgment of this Court reported in 2009 23 VST 107 (Mad) (Sujana Universal Industries Ltd., Vs. Deputy Commercial Tax Officer, Valluvarkotam Assessment Circle, Chennai) again has no application. That was a case where in respect of the assessment order when there was an alternative remedy of appeal, the writ petition came to be filed and in those circumstances, the writ petition was dismissed.

24.Law is well settled that alternative remedy is a rule of discretion. In any event, in cases where there has been violation of principles of natural justice writ would lie. The facts of the present case does not relate to assessment order but it is on cancellation of registration which affects the right of the

petitioners to carry on business lawfully as guaranteed under Article 19(1)(g) of the Constitution of India. In my considered view, the judgment relied upon by the learned counsel for the respondent is of no help to the respondent Department at all.

25. In such view of the matter, following the above said order stated supra, I have no hesitation to hold that the impugned orders are in violation of principles of natural justice and accordingly, the impugned orders stand set aside and the writ petitions are allowed. Needless to state that it is always open to the respondent department to proceed in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar

//true copy//

Sub Asst.Registrar

sms

To

The Deputy Commercial Tax Officer,
(Registration Cell)
Commercial Taxes Department,
Office of the Commissioner (CT)
Puducherry.

2 cc to Mr.R.Mahadevan, Advocate, Sr.No.29595,,29594

Order in
WRIT PETITION Nos.625 and 626 OF 2010

MDR {CO}
TP/11.5.2010.

सत्यमेव जयते

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