

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3964 OF 2020
(Arising out of SLP(C) No.8209/2020)

M/S. V.V.V. AND SONS .. APPELLANT(S)
EDIBLE OIL LTD.

VERSUS

THE STATE OF TAMIL NADU & ORS. .. RESPONDENT(S)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 26.02.2020 passed by the Madurai Bench of the High Court of Judicature at Madras in W.P.(MD) No. 21856 of 2016.

The aforesaid writ petition was filed by the appellant challenging the validity of (i) second proviso to Section 51(1) of the Tamil Nadu Value Added Tax Act, 2006 (hereinafter referred to as "the Act") and (ii) second proviso to Section 58(1) of the

Act. Under the former provision, the appellant at the first appellate stage is obliged to deposit 25% of the difference in the amount of tax assessed by the assessing authority and the tax admitted by the appellant whereas under the latter provision the appellant at the second appellate stage is required to deposit the sum ordered by the appellate authority.

The constitutional validity of these two provisions were under challenge in the aforesaid writ petition and the challenge having been negatived this appeal has been preferred.

It must be noted that the matter insofar as the case of the present appellant is concerned, is still at the first appellate stage. In terms of second proviso to Section 51(1) of the Act, the appellant would, therefore, be obliged to deposit 25% of the demanded sum. As observed by this

Court in its order dated 04.09.2020, a sum of Rs. 13 crores has already been deposited by the appellant before the authorities in question.

Mr. Jayant Muthraj, learned Additional Advocate General appearing for the State submits that the deposit of Rs. 13 crores satisfies the requirements of deposit of 25% of the sum and as such, nothing further need be done in the matter.

Mr. R.L. Ramani, learned senior counsel appearing for the appellant, however, submits that the validity of the latter provision was also under challenge and in case the appellant does not succeed at the first appellate stage, the question may still arise about the liability and how much money should be deposited at the second appellate stage.

Since on facts the matter arises from the first appellate stage, we do not deem it

appropriate at this stage to consider the submission advanced by Mr. Ramani, learned senior counsel. We, therefore, accept the submission made by Mr. Muthraj, learned Additional Advocate General and dispose of the matter.

In case, the occasion to advance the submissions with regard to the validity of second proviso to Section 58(1) of the Act arises, the appellant shall be at liberty to take appropriate measures.

With the aforesaid observations, the appeal stands disposed of. No costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

NEW DELHI,
DECEMBER 04, 2020.

ITEM NO.18 Court 4 (Video Conferencing) SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8209/2020

(Arising out of impugned final judgment and order dated 26-02-2020 in WPMD No. 21856/2016 passed by the High Court Of Judicature At Madras At Madurai)

M/S V.V.V. AND SONS EDIBLE OIL LTD. Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ORS. Respondent(s)

(IA No. 82312/2020 - MODIFICATION OF COURT ORDER)

Date : 04-12-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr.R.L.RAMANI, Senior Advocate
 Mr. K.K.MANI, A.O.R,
 Ms.T.ARCHANA, Adv.

For Respondent(s) Mr. Jayanth Muthuraj Sr. Adv, AAG
 Mr. M.Yogesh kanna AOR
 Mr. RajaRajeshwaran. S Adv
 Mr.Aditya Chadha, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

With the observations contained in the signed order, the appeal stands disposed of No costs.

Pending application stands disposed of.

(CHARANJEET KAUR)
ASTT. REGISTRAR-cum-PS

(PRADEEP KUMAR)
BRANCH OFFICER

[Signed order is placed on the file]