



CNR: KAHC010531192026

NC: 2026:KHC:44501
WP No. 24090 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 24090 OF 2026 (T-IT)

BETWEEN:

1. MR BALAJI K
S/O LATE K KRISHNAM RAJU
AND MRS. LAKSHMAMMA
AGED ABOUT 50 YEARS
NO.41, 5TH TEMPLE ROAD,
13TH CROSS, MALLESHWARAM,
BANGALORE-560003

2. MRS. RASHMI. R.S,
W/O LATE K. SRINIVASAMURTHY
AGED ABOUT 44 YEARS
NO.41, 5TH TEMPLE ROAD,
13TH CROSS, MALLESHWARAM,
BANGALORE-560003

...PETITIONERS

(BY SRI. AJAY J NANDALIKE, ADVOCATE A/W
SRI. PURUSHOTHAM R., ADVOCATE)

AND:

1. CHIEF COMMISSIONER OF INCOME TAX
[CCIT], BENGALURU-1,
AN AUTHORITY UNDER SECTION 116 OF

Digitally
signed by
VANAMALA
N

Location:
HIGH
COURT OF
KARNATAKA



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INCOME TAX ACT, 1961,
CENTRAL REVENUE BUILDING,
QUEENS ROAD,
BENGALURU-560001

2. PRINCIPAL COMMISSIONER
OF INCOME TAX,
BENGALURU-3,
AN AUTHORITY U/S 116 OF
INCOME TAX ACT, 1961,
BMTc BUILDING, KORAMANGALA,
BANGALORE-560095
3. THE INCOME TAX OFFICER,
WARD 5(3)(2) BENGALURU,
THE ASSESSING OFFICER
UNDER INCOME TAX, ACT, 1961
BMTc BUILDING,
80 FEET ROAD KORAMANGALA,
BENGALURU-560034
4. THE INCOME TAX OFFICER,
WARD 3(2)(1) BENGALURU,
THE ASSESSING OFFICER UNDER
INCOME TAX, ACT, 1961
BMTc BUILDING, 80 FEET ROAD
KORAMANGALA,
BENGALURU-560034
5. CENTRAL BOARD OF DIRECT TAXES,
MINISTRY OF FINANCE,
DEPARTMENT OF REVENUE,
AN AUTHORITY UNDER
INCOME TAX ACT, 1961,
NORTH BLOCK,



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NEW DELHI - 110 011

REPTD. BY ITS CHAIRMAN, CBDT

...RESPONDENTS

(BY SRI. THIRUMALESH, ADVOCATE A/W
SRI. NIRMAL MATHEW)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR DIRECTION IN THE NATURE OF WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO CONDONE THE DELAY CAUSED IN FILING THE REVISED RETURNS OF INCOME BY THE PETITIONERS VIDE ANNEXURE-H AND H1; ISSUE A WRIT OF MANDAMUS OR DIRECTION IN THE NATURE OF WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO REFUND THE ENTIRE TAX COLLECTED BY THE RESPONDENTS BACK TO THE PETITIONERS VIDE ANNEXURE-G AND G1, RESPECTIVELY ALONG WITH APPLICABLE INTEREST FROM THE DATE OF DEPOSIT TILL ACTUAL PAYMENT TO THE PETITIONERS, IN TERMS OF THE ORDER PASSED BY THIS HON'BLE COURT.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioners, as the legal heirs of Mr. K. Krishnam Raju and Mrs. Lakshamma, assert title over an extent of 3 acres 20 guntas in Sy.No.87/3 and Sy.No.87/4 of Kothanur Village, Uttarahalli Hobli, Bengaluru South Taluk [*the subject lands*]. M/s. Karnataka Industrial Areas Development Board [KIADB] has acquired the subject lands, and the surrounding lands under the Karnataka Industrial Areas Development Act, 1966. The payment of compensation for acquisition is delayed with dispute over the petitioners' claim to the subject lands, but this dispute is ultimately resolved [*as asserted by the petitioners*] with a decree in their favour. The petitioners are categorical that M/s. KIADB has deposited the compensation payable after this decree.



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2. The petitioners, who had filed returns for the assessment year 2019-20, have filed their revised returns in the year 2025 [*after the compensation is credited to their account*]. The petitioners seek directions to the respondents [*including the Principal Commissioner of Income Tax - the second respondent*] to condone the delay in filing the revised returns and refund the TDS affected by M/s. KIADB asserting that in view of Section 96 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [for short, '*the Act of 2013*'], the compensation paid towards acquisition of land would be exempt from tax.

3. Mr. Ajay J Nandalike, the learned counsel for the petitioners, submits that when the petitioners have filed their revised returns, the Jurisdictional Assessing Officer has caused the



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Communication dated 06.02.2026 [*Annexure - J*] calling upon the petitioners to file draft return of income furnishing proof of reasons for non-filing of return of income and that the petitioners have responded to such notice but no action has been taken so far. The learned counsel submits that in similar circumstances, this Court in W.P.No.26990/2025, which is decided on 31.10.2025, has interfered with the refusal to condone delay directing the Authorities to refund the entire tax collected and that the petitioners would be entitled for similar relief in the present circumstances as well.

4. Mr. M. Thirumalesh, the learned Senior Standing counsel who is assisted by Mr. Nirmal Mathew, the learned Standing counsel for the respondents, is heard on the terms for disposal of the petition. Mr. M. Thirumalesh submits that the petitioners may rely upon Annexure - J [a



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Communication dated 06.02.2026 addressed by the Jurisdictional Assessing Officer], but this Court must consider that any application for condonation of delay under Section 119(2)(b) of the Income Tax Act, 1961 [for short, '*the IT Act*'] must be considered by the second respondent and that the application could not have been submitted to the Jurisdictional Assessing Officer.

5. Mr. M. Thirumalesh and Mr. Nirmal Mathew, while inviting this Court's attention to the pleadings and the annexures in another writ petition in W.P.No.24169/2026¹, submit that this Court could examine disposing of the petition with liberty to the petitioners to file a certified copy of this Order with the second respondent for consideration of their application which is filed with the Jurisdictional Assessing Officer emphasizing that in

¹ *This writ petition is also disposed of by this Court by a separate Order.*



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all probability, the Jurisdictional Assessing Officer, as done in the case of the petitioners in W.P.No.24169/2026, would have referred the application to the second respondent.

6. This Court, on a careful consideration of the circumstances and the submissions, and because it is brought out to this Court's satisfaction that a separate application for condonation of delay is not filed with the second respondent, must opine that there must be interference with liberty to the petitioners to file a certified copy of this order with the second respondent. Further, this Court is of the opinion that the second respondent, upon receipt of the certified copy, must verify whether the Jurisdictional Assessing Officer has forwarded the petitioner's application for condonation of delay and decide on the petitioners' request for condonation in the light of factors such as that:



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- they assert ownership to the subject land based on a decree, and
- they have been admitted to compensation which is exempt under Section 96 of the Act of 2013 only in the year 2024 after the resolution of the civil dispute.

This Court must also provide for a contingency of the Jurisdictional Assessing Officer having not forwarded the petitioners' application for condonation of delay. In the light of the afore, the following.

ORDER

[A] The petition stands disposed of reserving liberty to the petitioners to file a certified copy of this Order with the Principal Commissioner of Income Tax, Bengaluru -3 [*the second respondent*], who shall call for a Report from the Jurisdictional Assessing Officer on the petitioners' application under Section



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119(2)(b) of the IT Act for condonation of delay in filing the revised returns dated 13.02.2026 for the assessment year 2019-2020.

[B] The petitioners, along with a certified copy of this order, is reserved with liberty to file another application under Section 119(2)(b) of the IT Act, and the second respondent is called upon to consider the application/s so filed and examine whether there must be condonation of delay in the light of this Court's observations.

[C] The second respondent shall call for a Report from the Jurisdictional Assessing Officer and decide on the application/s and communicate the decision to the petitioners within three [3] months from



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the date of receipt of a certified copy of
this order.

Sd/-
(B M SHYAM PRASAD)
JUDGE

RB