



WEB COPY



W.A.No.1986 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.1986 of 2026
and C.M.P.No.17342 of 2026

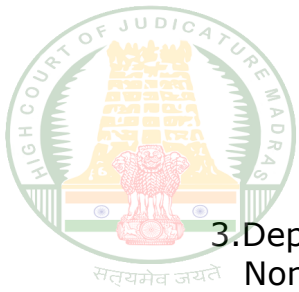
Sumti Anandmul Challani
S/o.Anandmul Challani
Residing at
No.25/36, Veerappan Street
Sowcarpet,
Chennai 600 079
Tamil Nadu, India.

Appellant

Vs

1.Deputy Commissioner of Income Tax
Corporate Circle, 1(1) Chennai,
Chennai-Wanaparthi Block,
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai.
Tamil Nadu - 600 034

2.The Assessment Unit
Income Tax Department
New Delhi.



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3. Deputy Commissioner of Income Tax
Non Corporate Circle, 11(1) Chennai
Chennai-Wanapathy Block,
No.121, Mahatma Gandhi Road
Nungambakkam,
Chennai, Tamil Nadu

Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Single Judge in W.P.No.13876 of 2026, dated 10.04.2026.

For Appellant: Mr. Sivaraman.R.

For Respondents Dr. B.Ramaswamy
Senior Standing Counsel

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This writ appeal filed under Clause 15 of the Letters Patent assails the order dated 10.4.2026 passed by the learned Single Judge in W.P.No.13876 of 2026, whereby the writ petition has been disposed of.

2. The appellant had filed the writ petition seeking issuance of a writ of certiorari to quash the order dated 27.3.2023 passed by the



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second respondent under Section 147 read with Section 144 read with Section 144B of the Income-tax Act, 1961 for the assessment year 2018-19 as illegal and not in accordance with law.

3. The learned Single Judge, while deciding the writ petition finally, has passed the following order:

"7. Considering the fact that the Petitioner's reply to the last mentioned Show Cause Notice dated 13.03.2023 was skeletal, I am inclined to remit the case back to the Respondents to pass fresh orders on merits, subject to the Petitioner depositing 10% of the tax amount determined by the impugned order within a period of thirty days (30) from the date of receipt of a copy of this order.

8. Within such time, the Petitioner shall also file a reply to the Show Cause Notice dated 13.03.2023 together with requisite documents to substantiate the case by treating the impugned Order dated 27.03.2023 as an addendum to the Show Cause Notice dated 13.03.2023.

9. In case the Petitioner complies with the above stipulations, the Respondents shall proceed to pass an Assessment order on merits and in accordance with law as expeditiously as possible, preferably, within a period of three (3) months of such reply/pre-deposit. Subject to the Petitioner complying with the above stipulations, the attachment of the bank account of the Petitioner if any,



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shall also stand automatically vacated.

10. It is made clear that bank attachment shall be lifted subject to the Petitioner depositing 10% of the disputed tax as ordered above and the Petitioner not being in arrears of any other amount for any other tax period barring the amount demanded under the impugned Order.

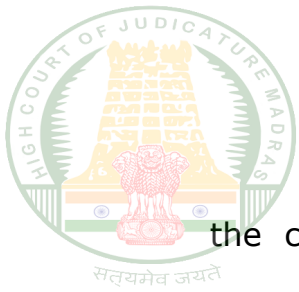
11. In case the Petitioner fails to comply with any of the stipulations, the Respondents are at liberty to proceed against the Petitioner to recover the tax in accordance with law as if this Writ Petition was dismissed in limine today.

12. Needless to state, before passing any such order, the Respondents shall give due notice to the Petitioner. The Petitioner shall co-operate with the Respondents.

13. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed."

4. Learned counsel for the appellant submits that the learned Single Judge could not have directed to deposit 10% of the disputed tax amount, since the matter was remitted to the respondents to pass fresh orders on merits.

5. Learned Standing Counsel for the respondents submitted that



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the condition of depositing 10% of the disputed tax amount was imposed only for the purpose of lifting the bank attachment. Therefore, the conditional order passed by the learned Single Judge cannot be found fault with.

6. On a query raised, learned counsel for the appellant submitted that the appellant may not be in a position to deposit 10% of the disputed tax amount and, therefore, the bank attachment, if any, may continue.

7. Taking into consideration the aforesaid submission made by learned counsel for the appellant that bank attachment need not be raised, the order of the learned Single Judge directing deposit of 10% needs to be interfered with, more particularly, when the matter has been remitted back to the respondent authorities for passing fresh assessment order. In light of the above, the order of the learned Single Judge is modified as under:

- (i) The bank attachment shall continue without depositing 10% of the disputed tax amount by the appellant.
- (ii) The assessing officer may pass fresh orders on



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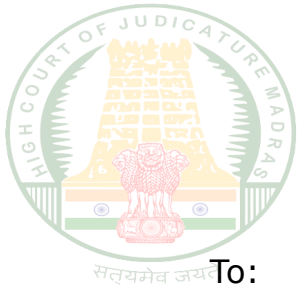
merits and in accordance with law as directed by the writ court.

(iii) Since the learned Single Judge remanded the matter to the respondent authorities for re-assessment, the impugned assessment order dated 27.3.2023 is set aside.

8. With the above observation and modification, the writ appeal stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
21.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

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