IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.39567 of 2015
and M.P.Nos.1 and 2 of 2015

M/s. Shree Ganesh Ventures
[Petitioner]
Rep by its Partner Sri. Raghav Saraf
14-A Ennore High Road Chennai - 600 019 ...Petitioner

Vs

1 The Deputy Commissioner of Income Tax
Business Circle-XII Kannammai Building
No.611 Anna Salai Chennai - 600 006

2 The Tax Recovery Officer-9
Kannammai Building No.611 Anna Salai
Chennai - 600006

[Respondents]

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the Respondents not to undertake any recovery proceedings in respect of the demand raised for the assessment year 2007-08 pursuant to the impugned order of the CIT(A) in ITA No. 305/CIT(A)-5/13-14 dated 18.11.2015.

For Petitioner : Mr.R.Sivaraman

For Respondents : Mr.T.Pramod Kumar Chopda,

Senior Panel Counsel

O R D E R

Heard the learned counsel for the petitioner and Mr.T.Pramod Kumar Chopda, learned Senior Panel Counsel, who took notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. Though the prayer in the writ petition is for the

issuance of a writ of mandamus to direct the respondents not to undertake any recovery proceedings in respect of the demand raised for the assessment year 2007-08, pursuant to the impugned order of the CIT(A) in ITA No. 305/CIT(A)-5/13-14 dated 18.11.2015, when the matter is taken up for hearing, learned counsel for the petitioner would submit that the petitioner is willing to file an appeal before ITAT, the appellate authority, along with stay application and it would suffice if a direction is given to dispose of the stay application within a time frame and till such time, recovery proceedings shall be kept in abeyance, for which, the learned Senior Panel Counsel appearing for the respondents has no serious objection.

3. In view of the above, two weeks' time from the date of receipt of a copy of this order is granted to the petitioner to file an appeal against the assessment order in question along with a stay application before the appellate authority and on such filing, the stay application filed by the petitioner shall be considered and necessary orders be passed by the appellate authority within a further period of two weeks. It is made clear that in the meanwhile, the attachment and other recovery proceedings already initiated shall be kept in abeyance.

The writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

True Copy

Sub Assistant Registrar

To

1 The Deputy Commissioner of Income Tax
Business Circle-XII Kannammai Building
No.611 Anna Salai Chennai - 600 006

2 The Tax Recovery Officer-9
Kannammai Building No.611 Anna Salai
Chennai - 600006

+1cc to Mr.T.PramodKumar Chopda, Advocate sr.67769
+1cc to Mr.R.Sivaraman, Advocate sr.67517

W.P.No.39567 of 2015

vg[co]
srg 16/12/2015