

HON'BLE SRI JUSTICE G.CHANDRAIAH

&

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 6221 of 2008

DATE: 01.10.2015

Between:

M/s. Neelimala Estates Pvt. Ltd. .. Petitioner

And

Tax Recovery OFficer

and another .. Respondents

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ORDER:- (per Hon'ble Sri Justice Challa Kodanda Ram)

The Order of Attachment dated 25.01.2007 passed under Rule 48 and the consequential Notice of Proclamation of Sale dated 18.02.2008 under Rules 38 & 52(2), of the Second Schedule of the Income Tax Act, 1961 (for brevity "the Act"), are under challenge.

The impugned order and notice were issued as there was a tax due of Rs.23,33,241/- from the petitioner. This Court, while admitting the writ petition on 24.03.2008, granted interim stay subject to the condition that the petitioner deposits the admitted amount of Rs.21,00,000/- on or before 31.03.2008. Thereafter, the matter underwent several adjournments. On 28.09.2015, as there was no representation on behalf of the petitioner, the matter was directed to be listed on 01.10.2015 under the caption "For Dismissal". Even today, when the matter is taken up for hearing no representation is made on behalf of the petitioner.

The learned Standing Counsel for the Department submits that in pursuance of the orders of this Court on 24.03.2008, the petitioner/assessee had deposited Rs.21,00,000/- and thereafter the Order of Attachment dated 25.01.2007 itself came to be lifted.

Considering the submission made by the learned Standing Counsel, as the very purpose for which the writ petition is filed has already been served, no further orders are required to be passed in this writ petition.

Hence, the writ petition is closed. No costs.

As a sequel to the closure of the writ petition, Miscellaneous petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

01.10.2015

CHALLA KODANDA RAM, J

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