THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLR SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.28589 OF 2015

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

The communication issued by the first respondent dated 08.08.2015 whereby the petitioner was directed to pay the arrears by 12.08.2015 is the subject matter of challenge in this Writ Petition. The petitioner herein seeks stay of recovery of tax demanded by the assessing authority pending disposal of their appeals before the Income Tax Appellate Tribunal (Tribunal).

When the matter came up before this Court on 30.09.2015, Sri B.Narasimha Sarma, learned Senior Standing Counsel for Income Tax, submitted that the Special Bench was likely to be constituted within a week. Consequently the matter was adjourned beyond Dasara Vacation 2015.

Today Sri B.Narasimha Sarma, learned Senior Standing Counsel for Income Tax, would submit that, since a Special Bench has been constituted by the Tribunal, it would suffice if this Court fixes a time frame for the appeals to be disposed of; and that no coercive steps would be taken by the Income Tax Department for recovery of the tax till the appeals are disposed of by the Tribunal. It would be wholly inappropriate for us to fix a time frame for the Special Bench of the Income Tax Appellate Tribunal to decide the appeals. We, however, request the Tribunal, as the tax demanded is in excess of Rupees 400 crores, to hear and decide the appeals with utmost expedition.

Both Sri A.V. Krishna Koundinya, learned Senior Counsel appearing on behalf of the petitioners and Sri B.Narasimha Sarma, learned Senior Standing Counsel for Income Tax, would submit that the Writ Petition could be disposed of with the aforesaid observations.

The Writ Petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

9th November 2015

RRB