

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.17159 & 17160 of 2016

V.Kowsalyadevi ... Petitioner in WP.17159/2016
P.Vijayakumar ... Petitioner in WP.17160/2016

Versus

1.The Branch Manager
Tamil Nadu Mercantile Bank
260, Eswaran Koil Street,
Erode 638 001.

2.The Income Tax Officer
Ward-1[2], Office of the
Income Tax Officer, No.15,
Gandhiji Road, Erode 638 001. ... Respondents in both
the Writ Petitions

Prayer: Writ Petitions filed under Article 226 of the
Constitution of India, seeking for a writ of mandamus
directing the 1st and 2nd respondents to release the interest
accrued on the deposit monies for the period between
20.05.2006 to 29.09.2013 within the time frame as fixed by
this Court.

For Petitioners in : Mr.P.J.Rishikesh
both the petitions

For R1 in both writ : Mr.R.Sankara Narayanan
petitions

For R2 in both writ : Mr.Pramod Kumar Chopda
petitions Standing Counsel for Income
Tax Department

COMMON ORDER

By consent, the writ petitions are taken up for final
disposal.

2. The learned counsel for the petitioners would submit
that there was an Income Tax raid in the premises of the 1st
respondent Bank, viz., Tamil Nadu Mercantile Bank on
25.10.2005 and several documents have been seized which

included the Fixed Deposit Receipts pertaining to the petitioners. The Deposits made by the petitioners having been reflected in the Income Tax Returns and therefore, they were served with the notices u/s.153C and 143[2] of the Income Tax Act, 1961 and thereafter, the petitioners filed fresh returns, disclosing the amounts also and appeared before the authorities with sufficient documents and the jurisdictional Income Tax Officer was also satisfied with the same and an order finalising the assessment dated 02.04.2009 came to be passed. The grievance expressed by the petitioners is that in respect of the deposits made, no interest has been paid by the 1st respondent and in this regard, the petitioners filed WP.Nos.21104/2011 and 21105/2011 and this Court, vide common order dated 01.11.2012, has directed the 1st respondent therein to release the Fixed Deposit amounts with accrued interest upon receipt of the original deposit receipts from the petitioners therein, within the stipulated time. The petitioners, alleging non-compliance of the said order, have filed contempt petitions in Cont.P.Nos.925 and 926/2013 and the 1st respondent has also filed Review Application Nos.41 to 44/2013. This Court, vide common order dated 04.10.2013, disposed of the said review applications as well as the contempt petitions, by observing as follows:-

"7.Since the Bank has agreed to return the Fixed Deposit amount to the petitioners with liberty to claim the balance amount, there is no need to keep these contempt petitions and review petitions pending. It is open to the petitioners in the contempt petitions to collect the amount from the Bank without prejudice to the right to claim the balance amount."

3. The grievance expressed by the petitioners is that only a part of the interest amount has been paid by the 1st respondent / Bank and when the petitioners approached the 1st respondent, they sent a communication dated 21.05.2014, stating that they are going to file a clarification petition. But the fact remains that, so far, neither clarification petitions have been filed nor the amounts due and payable to the petitioners by them, by way of interest has been paid and therefore, they came forward to file the present writ petitions.

4. Heard the submissions of the learned counsel for the petitioners and Mr.R.Sankaranarayanan, learned counsel who accepts notice on behalf of the 1st respondent and Mr.Pramod Kumar Chopda, learned Standing Counsel, who accepts notice on behalf of the 2nd respondent.

5. Though the petitioners have prayed for a larger relief, this court, without going into the merits of the same,

permits the petitioners to submit one more individual representations to the 1st respondent by enclosing a copy of the common order dated 04.10.2013 made in Rev.Appln.Nos.41 to 44/2013 and Contempt Petition Nos.925 and 926/2013 as well as the communication of the 1st respondent dated 21.05.2014 within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider the said representations on merits and in accordance with law, after taking note of the earlier orders of this Court and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioners.

6. The writ petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Branch Manager
Tamil Nadu Mercantile Bank
260, Eswaran Koil Street,
Erode 638 001.
- 2.The Income Tax Officer
Ward-1[2], Office of the
Income Tax Officer, No.15,
Gandhiji Road, Erode 638 001.

+2cc's to Mr.P.J.Rishikesh, Advocate, S.R.No.29259

W.P.Nos.17159 & 17160 of 2016

NM(CO)
CA(13/06/2016)

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