

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.8022 and 8023 of 2015
and
M.P.Nos.1 to 3 of 2015 in both W.Ps.

M/s. The Institute of Le Carmel
De Pondicherry, rep. by its
President, Mother Mary Gratia,
12 Velavari Street,
Muthialpet, Pondicherry-605 003. ...Petitioner in both W.Ps.

Vs.

1. The Income Tax Officer, Ward I (2)
D.P.Thottam, Muthial Pet,
Pondicherry.
2. The Tax Recovery Officer,
D.P.Thottam, Muthial Pet,
Pondicherry 605 003.
3. The Commissioner of Income
Tax (Exemptions)
121 Mahatma Gandhi Salai,
Nungambakkam, Chennai - 600 034.
4. The Income Tax Officer,
(Exemptions) Ward I,
121 Mahatma Gandhi Salai,
Nungambakkam, Chennai - 600 034.
5. The Commissioner of Income Tax (Appeals)
Pondicherry,
121 Mahatma Gandhi Salai,
Nungambakkam, Chennai - 600 034. ...Respondents in both
W.Ps.

Prayer in W.P.No.8022 of 2015:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari Mandamus to call for the records of the second respondent in TRC No.704/PDY/14-15 PAN : AAATT7486M and to quash the order, dated 17.04.2014, and to direct the fourth respondent to grant absolute and

unconditional stay of collection of tax demand and interest relating to the assessment year 2011-2012, pending disposal of the appeal before the fifth respondent.

Prayer in W.P.No.8023 of 2015:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the first respondent in PAN:AAATT7486M/2010-2011 and the order, dated 13.05.2013 and the consequential proceedings of the second respondent in TRC No.684/Pdy PAN : AAATT7486M, dated 31.10.2013, and to quash the same and to direct the fourth respondent, to grant absolute and unconditional stay of collection of tax demand and interest relating to the assessment year 2010-2011 pending disposal of the appeal before the fifth respondent.

In both W.Ps.

For Petitioner : Mr.N.V.Balaji
For Respondents : Mr.M.Narayanasamy

COMMON O R D E R

The petitioner has filed these Writ Petitions, challenging the notices issued by the Tax Recovery Officer, calling upon the petitioner to pay tax, failing which, threatened to initiate action.

2. The impugned notices came to be issued, when the petitioner's Appeal Petitions were pending before the Commissioner of Income Tax (Appeals) Puducherry.

3. Today, when the matters are taken up for hearing, the learned counsel for the petitioner has produced a copy of the order passed by Commissioner of Income Tax, dated 24.03.2016, which is a common order for both the assessment years, 2010-2011 and 2011-2012, by which, both the Appeals filed by the petitioner have been allowed. In the light of the same, these Writ Petitions are allowed and the impugned orders are set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Income Tax Officer, Ward I (2)
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+2ccs to Mr.N.V. Balaji, Advocate, S.R.No.29865

KSJ(CO)
EU(14/06/2016)

Writ Petition Nos.8022
and 8023 of 2015

सत्यमेव जयते

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