

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. NO.12287 OF 2003

AND

W.P.M.P.NO.15429 OF 2003

Narendrakumar Mohnot

... Petitioner

-vs-

1. The Commissioner of Income Tax,
Chennai VIII,
7th floor, New Block,
121, M.G.Road, Nungambakkam,
Chennai - 600 034.
2. T.Sasikumar,
Enquiry Officer,
Joint Director of Income Tax (INB)
121, M.G.Road, Nungambakkam,
Chennai - 600 034.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to call for the records relating to the order of the first respondent in C.No.Cont.506 A/2/91 dated 03.04.2003 and quash the same.

For Petitioner : Mr.Nirjan Rajagopal

For Respondents : Mr.M.Swaminathan

O R D E R

The petitioner has filed this Writ Petition, seeking to quash the order passed by the first respondent, in C.No.Cont.506 A/2/91, dated 03.04.2003.

2. When the Writ Petition is taken up today, the learned counsel appearing on behalf of the petitioner submitted that, as against the order passed by the first respondent/Commissioner of Income Tax, the petitioner is willing to prefer an Appeal under the provisions of the Income Tax Act, before the Appellate Authority, to which course, learned counsel for the respondents has no serious objection.

3. In view of the above, the Writ Petition is disposed of, granting liberty to the petitioner to file Appeal before the Appellate Authority within a period of four weeks from the date of receipt of a copy of this order. As and when such an Appeal is filed, the Appellate Authority is directed to consider and dispose of the same, as expeditiously as possible, without rejecting it on the ground of limitation, as the Writ Petition is pending before this Court for more than a decade and two months. It is open to the petitioner to raise all legal and factual contentions before the Appellate Authority, in accordance with law, in the Appeal to be preferred.

4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.

The Commissioner of Income Tax,
Chennai VIII,
7th floor, New Block,
121, M.G.Road, Nungambakkam,
Chennai - 600 034.

+1cc to M/s M.Swaminathan, Advocate Sr.No19367

W.P. No.12287 of 2003

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