

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.No.39963 of 2017

Date: 27.11.2017

Between:

M/s. Neo Diamonds 63, Kanchawala Building,
1st floor, Office No.3, Dhanji Street, Zaveri Bazar,
Mumbai-400003, rep. by its Managing Partner
Dhawal Chimanlal Shah,
S/o.Chimanlal Mohanlal Shah,
Aged about 28 years, R/o.Mumbai,
Maharashtra

...

Petitioner

And

The Director General of Income Tax
Hyderabad and two others

...

Respondents

Counsel for the Petitioner

:

Mr. M.Srikanth

Counsel for the Respondents

:

Mr.J.V.Prasad,
Senior Standing Counsel
for Income Tax Department

The Court made the following:

Order : (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The writ petition is filed for the following substantial relief:

“to issue a Writ of Mandamus or a direction in the nature of Writ of Mandamus declaring that the action of the 3rd respondent in seizing the Diamond Ornaments which form part of the Stock in Trade on 14.11.2017 from the petitioner is illegal, arbitrary and contrary to the proviso to Section 132 of the Income Tax Act, 1961 and consequently directing the 3rd respondent to accept the unconditional and irrevocable Bank guarantee from the petitioner and release the diamond ornaments seized immediately and pass such other order or order as this Hon'ble Court deems fit and proper in the circumstances of the case”.

2. At the hearing, Mr.M.Srikanth, learned counsel for the petitioner, requested for permission of the Court to withdraw the writ petition, with liberty to file a fresh writ petition with proper averments and by impleading proper respondents.

3. The writ petition is accordingly, dismissed as withdrawn, with liberty to the petitioner in terms of the prayer made. As a sequel to dismissal of the writ petition, W.P.M.P.No.49555/2017 filed by the petitioner for interim relief, is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 27th November, 2017

msb

