

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Sixth day of November Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE T. S. SIVAGNANAM

AND

THE HON`BLE MR JUSTICE N. SATHISH KUMAR

CMP No.985 of 2018

in TCA.73/2018

MR.MUKUNDAN VIJAYAN

[PETITIONER]

Vs

1 THE INCOME TAX OFFICER
CORPORATE WARD I (1)
CHENNAI-34

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an Interim stay of the order dated 22/11/2017 passed by the Income Tax Appellate Tribunal, D Bench, Chennai in ITA.No.639/Mds/2017 (CMP.985/2018)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.ARUN KARTHIK MOHAN, Advocate for the petitioner and of MS.R.HEMALATHA, SENIOR STANDING COUNSEL on behalf of the Respondent the court made the following order:-

(Order of the Court was made by T.S.Sivagnanam, J.)

This appeal was admitted by the Hon'ble First Bench, by order dated 30.01.2018.

2. The learned counsel for the appellant/assessee submits that the assessee apprehends that penalty proceedings may be initiated.

3. Under normal circumstances, the Department does not do so, especially when, the appeal is entertained by this Court and in any event, subject to the outcome of the appeal, the power to initiate proceedings is always available under the Act. Therefore, till the appeal is heard and disposed of, no coercive action shall be initiated against the assessee, pursuant to the orders passed by the Tribunal.

Accordingly, the civil miscellaneous petition is disposed of.

-sd/-
26/11/2018
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE INCOME TAX APPELLATE
TRIBUNAL CHENNAI BENCH D, CHENNAI

C.C. to M/S.ARUN KARTHIK MOHAN Advocate on payment of
necessary charges

Order
in
CMP.985/2018

IN TCA.73/2018

Date :26/11/2018

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 03/12/2018

सत्यमेव जयते

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