IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2018

CORAM :

THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MS.JUSTICE P.T.ASHA

W.A.NOS.302 TO 304 OF 2018
AND C.M.P.NOS.2428 TO 2430 OF 2018

1. M/s.Archer Power Systems Private Limited, Rep. by its Director, Rohit Rabindernath.

2. Rohit Rabindranath .. Appellants in all WAs

-vs-

1. Cascade Energy Pte Ltd., Rep. by its Authorised Signatory, Mr.Rajiv Pradhan.

2. The Union of India, Ministry of Finance, Dept. of Revenue, Rep. by its Secretary, Dr.Hasmukh Adhia, 128-A, North Block, New Delhi.

3. Shri R.V.Aroon Prasaad, IRS, Deputy Commissioner of Income Tax, Corporate Circle (1), Chennai, Initiating Officer, Room No.611, Wanaparthy Block, VI Floor, Aayakar Bhawan, 121, Mahatma Gandhi Road, Chennai 600 035.

4. Deputy Commissioner of Income Tax (Benami Prohibition), Chennai, Wanaparthy Block, VI Floor, Aayakar Bhawan, 121, Mahatma Gandhi Road, Chennai 600 035.

5. Additional Commissioner of Income Tax,
Corporate Range-I, Chennai,
Wanaparthy Block, VI Floor,
Aayakar Bhawan, 121, Mahatma Gandhi
Road, Chennai 600 035.

6. Additional Commissioner of Income Tax
(Benami Prohibition), Chennai,
Wanaparthy Block, VI Floor,
Aayakar Bhawan, 121, Mahatma Gandhi
Road, Chennai 600 035.

7. Registrar of Companies, Chennai,
Block No.6, B Wing, Second Floor,
26, Shastri Bhavan, Chennai 600 034.

.. Respondents in all WAs

Appeals filed under Clause 15 of the Letters Patent against the Common Order dated 25.01.2018, passed in W.P.Nos.14626 to 14628 of 2017 on the file of this Court.

W.P.Nos.14626 to 14628 of 2017:-

Writ Petitions under Article 226 of the Constitution of India, praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Prohibition, or any other Writ, Order or Direction in the nature of a Prohibition Prohibiting the respondents from exercising jurisdiction or proceeding further in any manner with the proceedings initiated by show - Cause Notice bearing Co. Cir 1(1) / Benami / 2017 -18 dated 19.05.2017 issued purportedly under section 24(1) of the Benami Transactions (Prohibition) Amendment Act 2016 to the Petitioner by the 2nd respondent (in WP.No.14626 of 2017)

(ii) issue a Writ of Certiorari, or any other Writ, Order or Direction in the nature of a Certiorari calling for the records culminating in covering Letter / Order bearing Co. Cir 1(1) / Benami / 2017 -18 dated 19.05.2017 issued by the 2nd respondent to the petitioner and quash the same (in WP.No.14627 of 2017)

(iii)issue a Writ of Certiorari, or any other Writ, Order or Direction in the nature of a Certiorari calling for the records culminating in the order of provisional Attachment dated 19.05.2017 issued by the 2nd Respondent to the 6th Respondent under Section 24(3) of the of the Benami Transactions (Prohinbition) Amendent under section 24(3) of the of Benami Transactions (Prohibition) Amendment Act 2016 and quash the same.(in WP.No.14628 of 2017)

For Appellants : Mr.M.Sricharan Rangarajan

For Respondents : Mr.R.Singaravelan, Sr. Counsel for Mr.V.Sankaranarayan for R-1

: Mr.A.P.Srinivas and Mr.A.N.R.Jaya Pratap for RR 3 to 6

J U D G M E N T
(Delivered by Ms.Indira Banerjee, Chief Justice)

We are informed that the disputes between the parties have been settled and the terms of settlement have been circulated. Mr.Singaravelan, learned Senior Counsel appearing for the first respondent, submits that they are willing to accept the terms.

2.A formal terms of settlement may be executed and filed in Court with the Registrar-General, within a week from date. The complaint before the Income Tax Department arising out of the disputes between the parties, which have now been settled, will be dealt with in the separate writ appeals filed by the Department.

The Writ Appeals are, thus, disposed of in terms of the settlement. No costs. Consequently, C.M.P.Nos.2428 to 2430 of 2018 are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Union of India,
   Ministry of Finance, Dept. of Revenue,
   Rep. by its Secretary, Dr.Hasmukh Adhia,
   128-A, North Block, New Delhi.

2. Shri R.V.Aroon Prasaad, IRS,
   Deputy Commissioner of Income Tax,
   Corporate Circle (1), Chennai,
   Initiating Officer, Room No.611,
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Block No.6, B Wing, Second Floor,
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+1cc to Mr.M.Sricharan Rangarajan, Advocate, S.R.No.49526
+1cc to Mr.A.P.Srinivas, Advocate, S.R.No.49133
+1cc to Mr.V.Sankaranarayan, Advocate, S.R.No.49900

W.A.Nos.302 to 304 of 2018

CS/26/07/18