

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.12569 of 2018

& WMP.Nos.14724 & 14725 of 2018

S.Arputharaj

....petitioner

versus

1.The Deputy Commissioner
of Income Tax, Central Circle-1,
Coimbatore.

2.The Tax Recovery Officer,
Central-2, Income Tax Department,
Room No.322, 3rd Floor, New No.46,
MG. Road, Chennai-34.

3.The Commissioner of Income Tax,
Appeals-18, Chennai-

34.

... Respondents

Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of certiorari to call for the entire records relating to impugned demand notice in TRC No.80-86/CR-2/2016-17 & 29/CR-2/2015-16 dated 07.05.2018, issued by the second respondent and quash the same.

For Petitioner : Mr.T.P.Prabakaran for
M/s.N.Sankarasabari

For Respondents : Mr.A.P.Srinivas, SC

O R D E R

Challenge in this writ petition is to the demand notice issued to the petitioner by the Department dated 07.05.2018.

2. Mr.T.P.Prabakaran, learned counsel appearing for the petitioner submits that his appeal against the orders of the third respondent is pending before the Income Tax Appellate Tribunal alongwith the stay petitions. According to the learned counsel, for the reasons best known, the Income Tax Appellate Tribunal has not taken the appeal on file. Keeping the appeal

pending, the Department seeks to recovery of tax, is the grievance of the petitioner.

3. Mr.A.P.Srinivas, learned Senior Counsel takes notice on behalf of the respondents.

4. Considering the limited prayer sought for, this writ petition is disposed of with a direction to the Income Tax Appellate Tribunal to consider the appeal filed by the petitioner, which is pending on his file alongwith the stay petitions and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order. Till such time, the recovery proceedings are put on hold. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation officer/
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Deputy Commissioner
of Income Tax, Central Circle-1,
Coimbatore.
- 2.The Tax Recovery Officer,
Central-2, Income Tax Department,
Room No.322, 3rd Floor, New No.46,
MG. Road, Chennai-34.
- 3.The Commissioner of Income Tax,
Appeals-18, Chennai-34.

+1cc to Mr.N.SANKARASABARI, Advocate, S.R.No.33654

+1cc to Mr.A.P.SRINIVAS, Advocate, S.R.No.33723

W.P.No.12569 of 2018

RJ(CO)
TR(18/05/2018)