

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2019

CORAM :

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.6996 of 2019 and
W.M.P.No.7730 of 2019

Kalyanasundaram Suresh
Old No.12A, New No.24, Swarna mangalam,
East Road, West CIT Nagar,
Nandanam, Chennai 600 035. ... Petitioner
Vs.

1.The Deputy Commissioner of Income Tax,
Non Corporate Circle 2,
Room No.320, 3rd Floor, Wanaparthi Block,
No.121, MG Road, Nungambakkam, Chennai 600 034.

2.The Assistant Registrar,
Income Tax Appellate Tribunal, Chennai
A-3, II Floor, Rajaji Bhavan, Besant Nagar,
Chennai 600 090. ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus, calling for the records pertaining to the order in
stay application No.33/CHNY/2019 dated 18.02.2019 passed by the
Income Tax Appellate Tribunal, 'C' Bench, Chennai and quash the
same as illegal, arbitrary and violative of principles of
natural justice and further to direct the 2nd respondent to hear
and decide the Stay Application No.33/CHNY/2019 of the
petitioner on merits.

For Petitioner : Mr.K.Ravi

For Respondents: Mr.Hema Mrualikrishnan
Senior standing counsel

ORDER

Learned counsel for the petitioner seeks permission of this
Court to withdraw the Writ Petition in the light of the decision
of the Division Bench of this Court in the case of
Tiruchitrambalam Projects Ltd., Vs. CESTAT, Chennai, [2016 (43)
S.T.R.531 (Mad.)] and has also made an endorsement in this
regard.

2. Acceding to the same, this Writ Petition is dismissed as withdrawn with liberty to the petitioner to move the same before the Division Bench of this Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Commissioner of Income Tax,
Non Corporate Circle 2,
Room No.320, 3rd Floor, Wanaparthi Block,
No.121, MG Road, Nungambakkam,
Chennai 600 034.

2.The Assistant Registrar,
Income Tax Appellate Tribunal, Chennai
A-3, II Floor, Rajaji Bhavan, Besant Nagar,
Chennai 600 090.

+1cc to Mr.K.Ravi, Advocate sr.no.26711

+1cc to Mr.Hema Mrualikrishnan, Advocate sr.no.26618

W.P. No.6996 of 2019

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सत्यमेव जयते
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