IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

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THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.14283 to 14286 of 2018
and
W.M.P.Nos.16877 to 16884 of 2018

Rajiv Rai ...Petitioner
(in W.P.No.14283/2018)

Ritika Rai Reddy ...Petitioner
(in W.P.No.14284/2018)

Rupal Rai ...Petitioner
(in W.P.No.14285/2018)

Ritesh Rai ...Petitioner
(in W.P.No.14286/2018)

vs.

The Assistant Commissioner of Income Tax,
Central Circle -2(3),
No.46, Mahatma Gandhi Road, Nungambakkam,
Chennai - 600 034. ...Respondent
(in All W.Ps)

Common Prayer:

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records on the file of the respondent in F.No.ACIT-CC-2(3)/179/2018-19 dated 04.05.2018 under Section 179 of the Income Tax Act, 1961 passed by the respondent and quash the same as arbitrary, unjust, illegal and without jurisdiction.

For Petitioner : Mr.R.Sivaraman
(in all W.Ps)

For Respondent : Mr.A.N.R.Jayaprathap
Standing Counsel
(in all W.Ps)

C O M M O N O R D E R

All these writ petitions are filed by the respective Directors of the Company called M/s.Ram Krishnan Kulwant Rai Holdings Pvt. Ltd., challenging the individual order passed under Section 179 of the Income Tax Act, calling upon the petitioners to make the payment outstanding against the said Company.

2. When this Court entertained these writ petitions on 13.06.2018, an order of interim stay was granted and the same is still in force.

3. It is submitted by both sides that as against the tax arrears claimed against the said Company, the matter was put to challenge before the Income Tax Appellate Tribunal in I.T.A.No.1047 of 2018 and the said appeal was disposed of on 29.10.2018 in favour of the Assessee/Company. It is further stated by both sides that the Revenue went on appeal against the said order of the Income Tax Appellate Tribunal, by filing Tax Case Appeal before this Court in TCA.No.391 of 2019 and the said appeal was also dismissed on 16.07.2019. Therefore, it is contended that the orders impugned in these writ petitions cannot be sustained any more.

4. The learned counsel for the Revenue fairly submitted that in view of the order passed by the Income Tax Appellate Tribunal, confirmed by the Division Bench of this Court in TCA.No.391 of 2019, there is no pending arrears demand against the said Company and consequently, the impugned proceedings have to go. He has also produced a communication issued by the Assistant Commissioner of Income Tax, Central Circle 2(3), No.46, New Building, 1st Floor, M.G.Road, Nungambakkam, Chennai-600 034, dated 23.09.2019 informing the learned Senior Standing counsel that after giving effect to the order of the Income Tax Appellate Tribunal, there is no pending arrear demand against the said Company as on date.

5. In view of the above stated facts and circumstances, more particularly, the stand taken by the Revenue as stated supra, these Writ Petitions are allowed and the impugned orders are set aside, in view of the order passed in TCA.No.391 of 2019 dated 16.07.2019. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To
The Assistant Commissioner of Income Tax,
Central Circle -2(3),
No.46, Mahatma Gandhi Road, Nungambakkam,
Chennai - 600 034.

+1cc to Mr.Srinivas , Advocate SR.No. 86126
+1cc to Mr.Sivaraman , Advocate SR.No. 86383

W.P.No.14283 to 14286 of 2018

A.SK(07/11/2019)