

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.12459 OF 2019

ORDER: (per SK,J)

The prayer of the petitioners in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction, particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents in rejecting the Compounding Application of the Petitioners vide order dated 29.03.2019 in F.No.Pr.CCIT/AP&TS/Pros./2018-19 as arbitrary, illegal, unconstitutional apart from being in contravention of the judgment of this Hon'ble Court and set aside the same; and consequently direct the Respondents to accept and allow the Compounding Application filed by the Petitioners on 13.03.2019 and pass such other Order or Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

Sri Tarun G. Reddy, learned counsel for the petitioners, and Sri J.V.Prasad, learned senior standing counsel for the Income-tax Department, appearing for the respondents, would concede that the issue arising for consideration in this writ petition is squarely covered by the decision rendered by a Division Bench of the High Court for the State of Telangana and the State of Andhra Pradesh in W.P.No.16289 of 2017. A copy of the order dated 07.02.2018 passed in the said writ petition is placed on record.

For reasons alike as were mentioned in the aforestated order and in terms thereof, this writ petition is allowed setting aside the proceedings dated 29.03.2019. The matter is remitted to the Principal Chief Commissioner of Income-tax, Hyderabad, for consideration afresh of the petitioners' application dated 13.03.2019 on its own merits and in

accordance with law. Pending such consideration, the proceedings in C.C.No.230 of 2016 on the file of the learned Special Judge for Economic Offences, Hyderabad, shall stand stayed. In the event any notice is issued to the petitioners in the context of the aforestated compounding application, they shall cooperate and furnish all such information as may be called for by the authority concerned without undue delay.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:09.07.2019

GJ

