IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7436 of 2020

M/s.Auromatrix Hotels Privated Limited,
Rep. By its Director,
129, Estate Main Road,
Industrial Estate, Perungudi,
Chennai-600 096 ... Petitioner

-vs-

1. The Commissioner of Income Teax,
Corporate Circle 1 (1) Chennai,
121, Mahatma Gandhi Road,
Nungambakkam, Chennai-600 034.

2. The Bank Manager,
Tamil Nadu Mercantile Bank Ltd.,
127-B, College Road,
Agastheeswaram,
Kanyakumari District.

3. The Senior Manager,
Tamil Nadu Mercantile Bank Ltd.,
Thiruvannamalai Branch,
No.91/106, Big Street,
Thiruvannamalai. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records relating to the Order dated 16.03.2020 in Din & Letter No.ITBA/COM/F/17/2019-20/1026648022 (1) of the First Respondent and quash the same.

For Petitioner : Mr.ARL.Sundaresan, Senior Counsel
For M/s.AL.Ganthimathi
For Mr.N.Mahendra Babu

For R1 : M/s.Hema Murali Krishnan

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O R D E R

This Writ Petition has been filed, seeking to quash the Order of the 1st Respondent dated 16.03.2020 made in Din & Letter No.ITBA/COM/F/17/2019-20/1026648022(1), by which the Petitioner was directed to pay the Tax arrears of Rs,3,19,58,408/- and the Bank Account of the Petitioner was also ordered to be frozen by the Income Tax Department.

2. Heard the learned Senior Counsel for the Petitioner and the learned Standing Counsel for the Income Tax Department through Zoom Video Conference. Notice to R2 and R3 is dispensed with, as no prejudice is going to be caused to them in disposal of this petition.

3. It is the case of the petitioner that a notice under Section 226(3) of the Income Tax Act, 1961 was received by them on 20.03.2020, stating that an amount of Rs.1,22,96,560/-, 1,26,49,606/- and 70,12,242/- totalling Rs.3,19,58,408/- for the Assessment Year 2012-2013, 2014-2015 and 2017-2018 respectively, has not been remitted to the Income Tax Department. It is the further case of the Petitioner that against the said assessment / levy of Tax, an appeal has been preferred before the Commissioner of Income Tax – Appeal and the Petitioner has been taking steps for direct tax settlements by way of amnesty scheme called "Viwad Se Vishwas", which is valid upto 30.06.2020. It is the grievance of the Petitioner that in the meanwhile, it was informed by the 2nd respondent vide their letter dated 31.03.2020 that the accounts of the Petitioner have been frozen on 16.03.2020 itself on the instruction of the Income Tax Department, despite production of the order of this Court passed in Suo Motu W.P.No.7413 of 2020 dated 26.03.2020, requesting to desist from taking coercive measures during the current pandemic.

4. After elaborate deliberation and argument, the learned Senior Counsel for the Petitioner has submitted that the present Writ Petition may be closed, granting liberty to the Petitioner to move the authority concerned for interim relief or One Time Settlement or Samadhan Scheme, if available. In case, the authority concerned is not agreeable to accept any of the views, the Petitioner may be permitted to raise all the objections that are raised in the present Writ Petition.

5. Taking note of the submission made by the Petitioner, this Writ Petition is closed, with liberty as sought for by the

Petitioner. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//
Sub Assistant Registrar

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To

1.The Commissioner of Income Tax,
Corporate Circle1(1), Chennai.
121, Mahatma Gandhi Road,
Nungambakka, Chennai-34.

W.P.No.7436 of 2020

VS(CO)
CB(01/10/2020)