

IN HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2020

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.10684 of 2014
and W.P.No.8101 of 2016
and
M.P.No.1 of 2014 & 1 of 2015 and
W.M.P.Nos.224 & 7226 of 2016

W.P.No.10684 of 2014:-

M/s. Siva Industries and Holdings Limited,
(formerly know as M/s. Siva Ventures Ltd.)
Beliciaa Tower - I,
10th Floor, 1st Main Road,
MRC Nagar, R.A.Puram,
Chennai - 600 028.Petitioner

Vs.

Deputy Commissioner of Income Tax,
Company Circle VI(3),
7th Floor, New Block,
121, Mahatma Gandhi Road,
Chennai - 600 034.Respondent

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and quash the impugned order bearing PAN No.AAACS8496D dated 31.03.2014 passed under Section 143(3) read with Section 147 of the Income Tax Act, 1961 by the respondent and forbearing the respondent from withdrawing the exemption granted to the petitioner under Section 10(23G) of the Act vide order dated 31.10.2007.

For Petitioner : Mr.N.V.Balaji for
Mr.Sriram Seshadri

For Respondent : Mr.Prabhu Mukunth,Arunkumar
Junior Standing Counsel for
Mr.Hema Muralikrishnan
Standing Counsel.

W.P.No.8101 of 2016:-

M/s. Siva Industries and Holdings Limited,
represented by its Director,
No.32, Cathedral Garden,
Nungambakkam, Chennai 600 034.

...Petitioner

Vs.

1.The Tax Recovery Officer,
O/o. Principal Commissioner of
Income Tax 6,
121, Mahatma Gandhi Road,
Chennai 034.

2.Deputy Commissioner of Income Tax,
Corporate Range 6,
7th Floor, New Block,
121, Mahatma Gandhi Road,
Chennai 034.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records and quash the impugned notice issued by the 1st respondent in T.R.12/15-16/TRO-6, O/o Pl.CIT - 6, Chennai -34, dated 02.02.2016.

For Petitioner : Mr.N.V.Balaji

For Respondents: Mr.Prabhu Mukunth, Arun Kumar
Junior Standing Counsel for
Mr.Hema Muralikrishnan
Standing Counsel.

C O M M O N O R D E R

Heard the learned counsel for the petitioner and the respondents.

2.The learned counsel for the petitioner submits that Insolvency Resolution Proceedings has been initiated before the NCLT. However, there is no representation by Insolvency Resolution Professional (IRP) in person or through any counsel on behalf of Insolvency Resolution Professional (IRP). Under these circumstances, since the interest of the petitioner has to be represented only by the IRP and since there is no representation on behalf of the IRP, the present Writ Petitions are liable to be dismissed.

3.Accordingly, the present Writ Petitions are dismissed with liberty to the petitioner to restore the same either at the instance of the Insolvency Resolution Professional (IRP) or at the instance of the petitioner as and when the

petitioner company comes out of the resolution proceedings before the NCLT. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1.The Tax Recovery Officer,
O/o. Principal Commissioner of
Income Tax 6,
121, Mahatma Gandhi Road,
Chennai 034.

2.Deputy Commissioner of Income Tax,
Corporate Range 6,
7th Floor, New Block,
121, Mahatma Gandhi Road,
Chennai 034.

+1cc to Mr.N.V.Balaji, Advocate SR.No.10984

W.P.No.10684 of 2014
and W.P.No.8101 of 2016
and M.P.No.1 of 2014 and
W.M.P.Nos.224 & 7226 of 2016

GMR (CO)

GMV (09/03/2020)

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