IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM

THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

W.P.No.35061 of 2019

M.Srinivasan .. Petitioner

Vs.

Principal Commissioner of Income Tax,
O/o the Principal Commissioner of Income Tax,
Chennai-7
Aayakar Bhawan, Wanaparthy Block, II Floor,
121, Nungambakkam High Road,
Chennai - 600 034. .. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the Respondent in his proceedings leading to the passing of the order vide C.No.7031(25)/Pr.CIT/2016-17 dated 27.09.2019 quash the same and further direct the Respondent to grant exemption contemplated u/s 10(10C) of the Income Tax Act, 1961 for the income received under the ICICI Bank /Early Retirement Scheme.

For Petitioner : Mr.S.Sathyanarayanan

For Respondent : Mrs.Hema Muralikrishnan
Senior Standing Counsel

ORDER

Heard Mr.S.Sathyanarayanan, learned counsel for the petitioner and Mrs.Hema Muralikrishnan, learned Senior Standing Counsel for the respondent.

2.The petitioner challenges an order passed by the Principal Commissioner of Income Tax dated 27.09.2019 rejecting the request of condonation in relation to the Application of the petitioner for exemption under Section 10 (10C) of the Income Tax Act, 1961 (in short 'Act'). The rejection is effected on the ground that there is no claim for exemption in the return of income and the Application for condonation, seeking leave to file a revised return to enable the petitioner to seek exemption as aforesaid, was itself barred by limitation.

3.The petitioner was employed in the ICICI Bank. A Voluntary Retirement Scheme had been floated by the Bank. The denial of the exemption claimed by the employees in relation to the amounts paid out under the Scheme constitutes the subject matter of extensive litigation at the instance of several of the employees.

4.Similar/identically placed employees of the Reserve Bank of India had agitated an identical issue arising from a Scheme floated by the Reserve Bank of India and in Chandra Ranganathan and Others Vs. Commissioner of Income Tax (326 ITR 49), the Supreme Court upheld the claim of the employees for exemption as claimed. Thus and in the light of the judgment of the Supreme Court as aforesaid, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

vs

To

Principal Commissioner of Income Tax,
O/o the Principal Commissioner of Income Tax,
Chennai-7
Aayakar Bhawan, Wanaparthy Block, II Floor,
121, Nungambakkam High Road, Chennai - 600 034.

+1cc to Mr.S.Sathyanarayanan, Advocate SR.No.12186

+1cc to Mrs.Hema Muralikrishnan, Senior Standing Counsel, Advocate SR.No.12545

W.P.No.35061 of 2019

RSK(CO)
GMY(19/02/2020)