



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.02.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.3544 of 2020

and

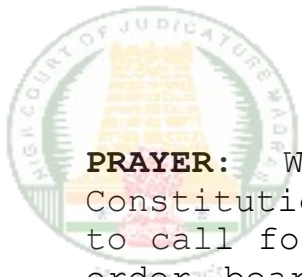
W.M.P. (MD) Nos.2997 & 2998 of 2020

M/s.Dhanalakshmi Srinivasan Chit Funds Pvt. Ltd.,
274-C, Thuraiyur Road,
Perambalur - 621 212
PAN: AADCD 065IN

... Petitioner

Vs.

- 1) The Principal Commissioner of Income Tax,
Central Circle -2,
Income Tax Department,
New No.46, Old No.108,
Mahatma Gandhi Road,
Chennai 600 034
 - 2) The Commissioner of Income Tax(Appeals), Chennai -19
Income Tax Department,
New No.46, Old No.108,
Mahatma Gandhi Road,
Chennai 600 034
 - 3) The Joint Commissioner of Income Tax,
Central Range,
Income Tax Department,
44, Williams Road,
Cantonment, Tiruchirapalli 620 001
 - 4) The Assistant Commissioner of Income Tax,
Central Circle -1, Trichy,
Income Tax Department,
44, Williams Road,
Cantonment, Tiruchirapalli - 620 001
- ... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 4th respondent to quash the impugned order bearing DIN and Letter No.ITBA/COM/F/17/2019-20/1024013247 (1) dated 20.01.2020 and not to proceed further in the matter of recovery of the disputed arrears pending disposal of the First Appeal before the 2nd respondent pertaining to the assessment years 2012-13, 2013-14, 2015-16 to 2017-18.

For Petitioner : Mr.M.Kaushik for Mr.S.Sridhar

For Respondents : Mr.N.Dilip Kumar
Standing Counsel

O R D E R

This Writ Petition has been filed seeking to call for the records of the 4th respondent to quash the impugned order bearing DIN and Letter No.ITBA/COM/F/17/2019-20/1024013247(1) dated 20.01.2020, directing the petitioner to pay 20% of the total demand raised immediately.

2. It is submitted by the learned counsel appearing for the petitioner that already an appeal has been filed against the original demand made. The demand amount for the Assessment Years of 2012-13, 2013-14, 2015-16, 2016-17 and 2017-18 was Rs.54,08,05,243/- (Rupees Fifty Four Crores and Eight Lakhs and Five Thousand Two Hundred and forty three only). The impugned order specifically states that only on payment of minimum of 20% of total demand, stay petition will be considered. The said order is now been modified that, there will be an order of stay of the demand notice on deposit of 20% of the demand amount made.

3. The learned counsel for the petitioner seeks considerable time for the payment, as even 20% would be more than Ten Crores of rupees.

4. Upon instructions, the learned standing counsel appearing for Revenue, stated that the petitioners are permitted to pay 20% of the total demand in five(05) equal monthly installments, first of such installment would commence on or before 30.03.2020. The corresponding installments will have to be paid on 30.04.2020, 30.05.2020, 30.06.2020 and on 30.07.2020. The payment of the balance 80% of the amount is stayed on payment of the above such installments for the 20% of the demand amount. In the meanwhile, the second respondent is directed to hear the appeal in expedition.



5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1) The Principal Commissioner of Income Tax,
Central Circle -2, Income Tax Department,
New No.46, Old No.108,
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 - 4) The Assistant Commissioner of Income Tax,
Central Circle -1, Trichy,
Income Tax Department,
44, Williams Road,
Cantonment, Tiruchirapalli - 620 001
- +1 CC to M/s.A.SRIDHAR, Advocate (SR-7754[F] dated 24/02/2020)
- +1 CC to M/s.N.DILIP KUMAR, Advocate (SR-8146[F] dated 25/02/2020)

Order made in
W. P (MD) No. 3544 of 2020
Dated: **21.02.2020**

NS (CO)
TR(25.02.2020) 3P 7C