BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**20.02.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3448 of 2020

and

W.M.P(MD)No.2901 of 2020

New Raja Traders,
Rep. by Partner,
Mr.Ashok Mukundan
969/172, Kovai Road, Karur ... Petitioner

Vs.

1.The Principal Commissioner of Income Tax,
Trichy – 1.

2.The Commissioner of Income Tax (Appeals),
CIT(A),Trichy.

3.The Assistant Commissioner of Income Tax,
Circle -2(1),Trichy.

4.The Income Tax Officer,
Ward No.1, Karur. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent dated 11.02.2020 and quash the same as illegal and consequently forbear the respondents from proceeding further in any manner against the petitioner pursuant to the assessment order dated 16.12.2019 for the year 2017-2018 passed by the third respondent.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel for Mr.J.Anandkumar

For Respondents : Mr.D.Nilipkumar

ORDER

Mr.N.Dilipkumar, learned standing counsel takes notice for the respondents.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent dated 11.02.2020 and quash the same as illegal and consequently forbear the respondents from proceeding further in any manner against the petitioner pursuant to the assessment order dated 16.12.2019 for the year 2017-2018 passed by the third respondent.

4. The Writ Petition is filed challenging the order dated 11.02.2020 passed in the stay petition filed by the petitioner by the first respondent. There is a demand of disputed tax and

interest aggregate to Rs.3,26,14,508/-. Out of the said sum, the petitioner had already paid a sum of Rs.17,25,000/- being 5% of the total disputed amount pursuant to the assessment framed by the Deputy Commissioner of Income Tax, Circle -2, Trichy.

5. According to the learned Senior Counsel appearing for the petitioner, the very demand is raised even without giving an opportunity of hearing to the petitioner. It is stated that every process is through on-line and even before the petitioner would upload his application, the portal is closed. Though this was explained in person before the first respondent and pleaded for a stay, the impugned order came to be passed.

6. Heard the learned senior counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

7. After hearing both sides, as agreed by both parties, in addition to the amount already paid namely Rs.17,25,000/-, the petitioner is directed to pay another sum of Rs.10,00,000/-(Rupees Ten Lakhs Only), on or before 20.03.2020 as a condition precedent. On such payment, the demand notice is stayed till the disposal of the appeal by the second respondent Commissioner of Income Tax (Appeals), Trichy. The second respondent is also directed to dispose of the appeal in expedition, on merits and in accordance with law.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

To:

1.The Principal Commissioner of Income Tax,Trichy – 1.
2.The Commissioner of Income Tax (Appeals),CIT(A),Trichy.
3.The Assistant Commissioner of Income Tax,Circle -2(1),Trichy.
4.The Income Tax Officer,Ward No.1, Karur.
+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-7300[F] dated 20/02/2020)
+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-7341[F] dated 20/02/2020)

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20.02.2020

SMA/28/02/2020/2P/7C