IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.44310 of 2016
and
W.M.P.No.38172 of 2016
and
W.M.P.No.23189 & 23190 of 2020

M/s.MCTM Global Investments Private Limited,
No.761, Anna Salai, Post Box No.2713,
Chennai – 600 002.
Rep by Mrs.Kamala Muthiah ..Petitioner

Vs.

The Income Tax Officer,
Corporate Ward 4(3)
Chennai – 600 034. ..Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to keep the assessment proceedings in abeyance for the Assessment Year 2014-15 till the disposal of the petition in TCP/163/2013 by the National Company Law Tribunal.

For Petitioner : Mr.Venkatnarayanan
For M/s.Subbaraya Aiyar

For Respondent : M/s.Hema Muralikrishnan
Senior standing counsel

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to keep the assessment proceedings in abeyance for the Assessment Year 2014-15 till the disposal of the petition in TCP/163/2013 by the National Company Law Tribunal.

2. The Notice issued under Section 142(1) of the Income Tax Act is under challenge in the present writ petition. The Income Tax Officer issued the said notice, asking the writ petitioner to furnish the documents in Annexure-'A' to the notice.

3. The learned counsel for the petitioner made a submission that documents in Serial Nos. 6 & 10 to Annexure-'A' is not available, in view of the fact that the disputes between the shareholders were pending during the relevant point of time. Thus, the writ petitioner at that point of time was constrained to move the present writ petition. The writ petition is pending for the past about 5 years and the petitioner filed an additional typed set of papers, stating that the National Company Law Appellate Tribunal, now-a-

days, passed an order, resolving the disputes between the shareholders and therefore, the said dispute is not existing as of now.

4. This being the factum, this Court is of the considered opinion that the petitioner has to respond to the impugned notice dated 01.08.2016 by producing all the relevant records, enabling the respondent to scrutinize the same by following the procedures as contemplated under the Act.

5. It is contended that after the order passed by the National Company Law Appellate Tribunal on 11.06.2020, the Board of Directors convened the meeting and the said minutes were recorded on 18.07.2020. The notice and minutes of Annual General Meeting of the members of the Board of Directors were also approved on 18.08.2020.

6. This being the factum, the petitioner is directed to produce all the documents as sought for in the impugned notice dated 01.08.2016 before the respondent and the respondent, on receipt of all those documents, shall scrutinize the same and proceed by following the procedures as contemplated under the provisions of the Act and Rules.

S.M.SUBRAMANIAM, J.

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

20.04.2021

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Index : Yes/No
Speaking /Non-speaking order

To

The Income Tax Officer,
Corporate Ward 4(3)
Chennai – 600 034.

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