

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.9534 of 2016

and

M.P.No.8565 of 2016

M/s.Sri Jagannatha Spinners,
Rep by its Partner Mr.J.Chandrasekar,
1/68, V.K.Krishna Menon Road,
New Siddhapudur,
Coimbatore - 641 044.

... Petitioner

Vs.

The Assistant Commissioner of Income Tax,
Non~Corporate Circle 2,
67 A, Race Course Road,
Coimbatore - 18.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent relating to the Assessment Order dated 29.01.2016 as well as Demand Notice dated 29.01.2016 issued to the petitioner holding PAN No.AAEFS8309J under Section 156 of the Income Tax Act, 1961 and to quash the same as arbitrary, illegal and contrary to the law laid down by this Court with further direction to the Respondent to grant appropriate relief in terms of decision reported in -Velayudhaswamy Spinning Mills Vs. Asst. CIT (2012) 340 ITR 477.

For Petitioner : Mr.H.Nazirudeen

For Respondent : Mr.A.P.Srinivas,
Senior Standing Counsel

O R D E R

The learned counsel for the respondent fairly submits that the issue is covered against the Revenue Department. Though, earlier arguments was advanced by the learned counsel for the

petitioner and the learned counsel for the respondent the issue is no longer res integra.

2.The impugned assessment order dated 29.01.2016 was passed pending the decision of the Hon-ble Supreme Court against the decisions of this Court in Velayudhaswamy Spinning Mills (P) Ltd Vs. Assistant Commissioner of Income~Tax, 2012 21 taxmann.com 95 (Madras)/[2012]340 ITR 477 (Madras)[2010] to protect interest of the revenue.

3.The learned counsel for the petitioner has now drawn my attention to the decision of the Hon-ble Supreme Court in Assistant Commissioner of Income~Tax, Tirupur Vs. Velayudhaswamy Spinning Mills (P) Ltd [2016] 76 taxmann.com 176 (SC)/[2017]244 Taxman 58 (SC) wherein the decision of this Court in Velayudhaswamy Spinning Mills (P) Ltd Vs. Assistant Commissioner of Income~Tax, 2012 21 taxmann.com 95 (Madras)/[2012]340 ITR 477 (Mad)[2010] has been upheld.

4.In view of the same, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Commissioner of Income Tax,
Non-Corporate Circle 2,
67 A, Race Course Road,
Coimbatore 18.

+1cc to Mr.A.P. SRINIVAS, Advocate, S.R.No.4313

+1cc to Mr.P. HARIBABU, Advocate, S.R.No.4520

GSM(CO)
SM/17/03/2021

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