IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2022

CORAM :

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.10699 OF 2022
AND
W.M.P.NOS.10334 AND 10335 OF 2022

East Coast Consultants (India) Limited,
Represented by its Director M.Jayaseelan ...Petitioner

Vs.

1.The Deputy Commissioner of Income Tax,
Central Circle - 2(1),
1st Floor, Investigation Building,
No.46 (Old No.108),
Mahatma Gandhi Road,
Nungambakkam,
Chennai-600034.

2.The Assistant Commissioner of Income Tax,
DC/AC, Central Circle - 1(2),
3rd Floor, Investigation Building,
No.46 (Old No.108),
Mahatma Gandhi Road,
Nungambakkam,
Chennai-600034.

3.The Principal Commissioner of Income Tax,
Central -2,
New Building, 3rd Floor,
No.46 (Old No.108),
Mahatma Gandhi Road,
Nungambakkam,
Chennai-600034. ...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, calling for the records in DIN & Order No:ITBA/AST/S/147/202122/1041335996(1) dated 16.03.2022 on the file of the second respondent relating to the A.Y 2014-15 and quash the same.

For Petitioner : Mr.M.P.Senthil Kumar

For Respondents : Mr.A.P.Srinivas
Senior Standing Counsel

ORDER

Mr.A.P.Srinivas, learned Senior Standing Counsel takes notice on behalf of the respondents.

2. Heard the learned counsel for the petitioner and the learned Senior Standing Counsel for the respondents.

3. The petitioner has challenged the impugned assessment order passed by the second respondent on the ground that the basis of assessment is contrary to the three notices issued to the petitioner on 18.01.2022, on 21.02.2022 and on 11.03.2022. It is the specific case of the petitioner that the petitioner purchased the property way back in 2007-2008 for a sum of Rs.95.18 Lakhs. But, sold the property during the relevant financial year (Assessment Year 2014-15) for a sum of Rs.90,00,000/-.

4. The learned counsel for the petitioner submits that all along the issue was regarding sale consideration and the income which was booked to tax by the petitioner and there was no dispute relating to the purchase value. It is therefore submitted that the impugned order is liable to the quashed being passed contrary to the three notices mentioned above as it has been passed in violation of principles of natural justice.

5. The learned counsel for the respondents on the other hand would submit that in the impugned order, the respondent have accepted the sale value as Rs.90,00,000/-. However, they have determined the purchase value as Rs.12.35 Lakhs based on the document produced by the petitioner.

6. Considering the fact that the impugned order has been passed based on the records that were available and furnished to the Income Tax Department, I do not find any merits in entertaining the present writ petition. It is suffice to state that the petitioner has to work out the remedy before the Appellate Commissioner. Therefore, liberty is given to the petitioner to file a statutory appeal within a period of 30 days from the date of receipt of a copy of this order. If such an appeal is filed, it shall be taken on file and disposed on merits. The petitioner is also given liberty to file an appropriate application to stay the recovery proceeding under Section 220(6) of the Income Tax Act, 1961.

7. This writ petition stands dismissed with the above observations. No costs. Consequently connected Writ Miscellaneous petitions are closed.

Sd/-
Vacation Officer

// True Copy //

Sub Assistant Registrar

mn/gd

To

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Chennai-600034.

+1cc to Mr.A.P.Srinivas, Advocate Sr.No.31860

+1cc to Mr.G.Baskar, Advocate Sr.No.31717

W.P.No.10699 of 2022
and
W.M.P.Nos.10334 and 10335 of 2022

CA(CO)
RVM(02/06/2022)