



WEB COPY



W.P.No.2974 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.03.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2974 of 2020
and WMP Nos.3467 of 2020 &
28004 of 2022

Smt.Neetaa Suneel Shah

... Petitioner

Vs

The Income Tax Officer,
Non-Corporate Ward 5(2),
Room No.220, BSNL Building 2nd Floor,
Income Tax Office – BSNL Tower,
No.16, Greams Road,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records in Din & Document No.20101194977 dated 20.01.2020 for the assessment year 2010-11 on the file of the respondent and quash the same.

For Petitioner : Mr.R.Sandeep Bagmar

For Respondents : Mr.D.,Ramaswamy
Senior Standing Counsel



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ORDER

Mr.Sandeep Bagmar, learned counsel on record for the petitioner makes an endorsement to the effect that the petitioner will file a statutory appeal before the Commissioner of Income Tax (Appeals) and this Writ Petition may be dismissed as withdrawn.

2. This request is found acceptable. Let the appeal along with an application seeking interim protection be filed before the first appellate authority within a period of three (3) weeks from date of receipt of a copy of this order, in which case, the same shall be entertained by the appellate authority without reference to limitation. The stay application shall be heard by the first appellate authority and disposed within a period of three (3) weeks from date of institution thereof.

3. The petitioner is the beneficiary of an order of interim stay of recovery, granted on 14.02.2020, effective for a few weeks. Admittedly, the stay has not been extended after some extensions. However, the Department has not made any move for recovery, perhaps based on the stay granted originally. Hence, interim protection shall continue for a period of six (6) weeks from today and no further.

4. This Writ Petition is dismissed as withdrawn with liberty as above. No



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Index : Yes / No

Speaking/non-speaking Order

Neutral Citation : Yes/No

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**Note: i) Registry is directed to return the original
impugned order to the learned counsel for the petitioner.
ii) Registry is also directed to issue this order on or before 09.03.2023.**

To

The Income Tax Officer,
Non-Corporate Ward 5(2),
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Dr.ANITA SUMANTH,J.

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