



WEB COPY



W.P.No.10040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.10040 of 2023

and

W.M.P.Nos. 10082 to 10084 of 2023

Ganapathy Chandrasekaran

.. Petitioner

VS

1.Assessment Unit,
Income Tax Department,
Ministry of Finance,
Government of India.

2.The Income Tax Officer,
Ward 1, Kancheepuram,
Pincode - 621 501.

(R2 suo motu impleaded vide
order dated 10.04.2023)

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus to call for the
records of the respondent herein in Impugned Order No.DIN:
ITBA/AST/S/147/2022-23/1050542469(1) dated 09.03.2023
passed by the respondent for the Assessment Year 2018-19 and
quash the order dated 09.03.2023 passed and consequently direct
the respondent to pass fresh orders after granting a hearing in



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Assessment Proceedings in PAN No. BEQPC0739D for AY 2018 - 19
and also impose cost on the respondent.

For Petitioner : Ms.G.Vardini Karthik
For Respondents : Mr.B.Ramana Kumar
Senior Standing Counsel

ORDER

Read this order in conjunction with and in continuation of
order dated 31.02.2023 that reads as follows:-

"Mr.Prabhu Mukund Arun Kumar, learned Junior Standing Counsel accepts notice for the respondent and seeks some time to obtain instructions and file a counter.

2. After some hearing for the purpose of admission, learned counsel for the petitioner would request a weeks' time to enable the petitioner to approach the appellate authority by way of statutory appeal.

3. Hence, list this matter on 10.04.2023 at the end of admission list."

2. Ms.Vardhini Karthik, learned counsel appearing for the petitioner confirms that statutory appeals have been filed on 06.04.2023. She, however, expresses some difficulty encountered by the petitioner in filing stay applications before the Commissioner of Income-Tax Appeals (faceless unit) and states that hence, the stay application under Section 220 (6) of the Income-Tax Act, 1961 has been sent to the jurisdictional assessing officer by RPAD.



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3. The Income Tax Officer, Ward 1, Kancheepuram, Pincode - 621 501, is thus suo motu impleaded as R2 and Mr.B.Ramana Kumar, learned Senior Standing Counsel, accepts notice.

4. The petitioner is permitted to appear before R2 on Wednesday, 12.04.2023 at 10.30 a.m. accompanied by a copy of the stay application and all required materials in support of the petition for stay. The petitioner shall be heard and orders passed on the request for stay within a period of four weeks from date of hearing as fixed above.

5. In light of the aforesaid, the petitioner does not pursue this writ petition any further and the same is dismissed. No costs. Connected miscellaneous petitions are closed.

10.04.2023

Index:Yes/No
Neutral Citation:Yes
ssm



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DR. ANITA SUMANTH,J.

ssm

To:

- 1.The Assessment Unit,
Income Tax Department,
Ministry of Finance, Government of India.
- 2.The Ministry of Finance,
Income Tax Department,
Office of the Income Tax Officer,
Ward 1, Kancheepuram,
Pincode - 621 501.

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10.04.2023