IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 27TH DAY OF SEPTEMBER, 2024

PRESENT

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

WRIT APPEAL NO. 100475 OF 2024 (T-IT)

BETWEEN:

1. CENTRAL BOARD OF DIRECT TAXES, NORTH BLOCK, NEW DELHI-110 001. R/BY ITS CHAIRMAN.

2. UNDER SECRETARY, MINISTRY OF FINANCE GOVERNMENT OF INDIA, 3RD FLOOR, JEEVAN DEEP BUILDING, SANSAD MARG, NEW DELHI-110001.

3. INITIATING OFFICER, DEPUTY COMMISSIONER OF INCOME TAX, (BPU), TRI STAR BUILDING, 2ND & 3RD FLOOR, EDC, COMPLEX, PATTO PLAZA, PANAJI, GOA-403001.

4. ADJUDICATING AUTHORITY, COMMISSIONER OF INCOME TAX, SHASTRI BHAVAN, 4TH FLOOR, NEW BUILDING COMPLEX, NO. 26, HADDOWS ROAD, NUNGAMBAKKAM, CHENNAI -600006.

...APPELLANTS

(BY SRI. DILIP M. AND SRI. Y. V. RAVIRAJ, ADVOCATES)

Digitally signed by JAGADISH T R
Location: High Court of Karnataka, Dharwad Bench

AND:

SHRI CHUKALLUR REDDY ANILKUMAR
S/O. C. GOPAL REDDY, AGED 47 YEARS,
R/AT. H. NO. 147, 3RD CROSS, NEHRU COLONY,
GANDHINAGAR, BALLARI-583103.

...RESPONDENT

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO. 103657/2022 DATED. 23.11.2022 AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL)

The subject matter of this appeal is substantially similar to the ones in W.A. No.1060/2023 between **Initiating Officer under the PBPT Act and Deputy Commissioner of Income Tax (BP) and others Vs. Sri T.R. Chandraiah S/o Late Sri T.M. Rangappa and another,** which has been heard and decided by a Co-ordinate Bench of this Court vide order dated 08.02.2024.

2. The short order comprising of two small paragraphs, for ease of reference, is reproduced below:

> *"Heard the matter on both merits and on delay.*
>
> *2. Shri M.Dilip, learned Standing Counsel for the Revenue submitted that the Hon'ble Single Judge has allowed the Writ Petition by following the decision of Hon'ble Apex Court in Union of India Vs.*

Ganapathi Dealcom Pvt. Ltd.. Revenue has filed a Review Petition before the Hon'ble Apex Court challenging the said order.

3. Therefore, it would be superfluous to maintain this writ appeal and it is accordingly, dismissed with liberty to the Revenue to file an application to recall this order in the event Revenue's Review Petition is allowed by the Hon'ble Apex Court. Consequently, I.A. No.1/2023 for condonation of delay also stands dismissed.

No costs."

3. It is a cardinal principle of adjudication that *like cases should be treated alike* unless there are repugnant circumstances. No such circumstances are noticed from the perusal of records. The learned Panel Counsel appearing for the Revenue, in appreciable fairness, submits that this appeal should also meet the same fate, of course, subject to the outcome of Review and the case in **Union of India Vs. Ganapathi Dealcom Pvt. Ltd.** [Civil Appeal No.5783/2022 along with SLP (C)]

No.2784/2020, which are stated to be pending on the file of the Apex Court.

In view of the above, this appeal, with the above observations, is dismissed. However, no order is made on the application seeking condonation of delay which accompanies the appeal that is belatedly filed.

Sd/-
(KRISHNA S.DIXIT)
JUDGE

Sd/-
(VIJAYKUMAR A.PATIL)
JUDGE

BSR/ct-an
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