IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.07.2024**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Writ Petition Nos.15818, 15854, 15900, 15924, 16145, 16148, 16201 & 16210 of 2024

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WMP Nos.17242, 17243, 17245, 17280, 17282, 17356, 17357, 17388, 17389, 17687, 17688, 17690, 17691,17737, 17739, 17747 & 17748 of 2024

M/s.Tamilnadu Transport Development Finance
Corporation Limited
Represented by Joint Managing Director,
No.02, Tourism Complex, Wallajah Road,
Chennai 600 002.
TAN:CHET06659C ... Petitioner in all WPs

-vs-

1.The Deputy Commissioner of Income Tax,
Corporate Circle 3(1), Chennai
Income Tax Department,
No.121, Nungambakkam High Road,
Chennai 600 034.

2. The Principal Commissioner of Income Tax
Chennai-3, Income Tax Department
No.121, Nungambakkam High Road,
Chennai 600 034.

3. The Chief Commissioner of Income Tax
Chennai-1, Income Tax Department
No.121, Nungambakkam High Road,
Chennai 600 034. ... Respondents in WP.No.15818 of 2024

1.The Deputy Commissioner of Income Tax,
TDS Circle 3(1), Chennai
Income Tax Department,
No.16, BSNL Building, Greams Road,
Chennai 600 006.

2. The Commissioner of Income Tax
TDS, Chennai
Income Tax Department
No.16, BSNL Building, Greams Road,
Chennai 600 006. ... Respondents in WP.Nos.15854, 15900, 15924, 16145, 16148, 16201 & 16210/2024

PRAYER in W.P.No.15818 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the Writ Petitioner on the file of the 1st Respondent to quash the impugned order u/s.148A(d) of the Income Tax Act, 1961 dated 25.04.2024 in DIN & Letter No.ITBA/AST/F/148A/2024-25/1064373784(1) and consequential notice issued u/s.148 of the Income Tax Act, 1961 dated 25.04.2024 in DIN & Notice No:ITBA/AST/S/148-1/2024-25/1064373949(1) for the Assessment Year 2017-18.

PRAYER in W.P.No.15854 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the Writ Petitioner on the file of the 1st Respondent to quash the impugned order u/s.201/201(1A) of the Income Tax Act, 1961 dated 29.03.2024 in DIN & Letter No.ITBA/CT/153/1/29032024/00006 for the Financial Year 2021-22.

PRAYER in W.P.No.15900 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the Writ Petitioner on the file of the 1st Respondent to quash the impugned order u/s.201/201(1A) of the Income Tax Act, 1961 dated 29.03.2024 in DIN & Letter No.ITBA/CT/153/1/29032024/00005 for the Financial Year 2019-20.

PRAYER in W.P.No15924 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the Writ Petitioner on the file of the 1st Respondent to quash the impugned order u/s.201/201(1A) of the Income Tax Act, 1961 dated 29.03.2024 in DIN & Letter No.ITBA/CT/153/1/29032024/00007 for the Financial Year 2022-23.

PRAYER in W.P.No.16145 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the Writ Petitioner on the file of the 1st Respondent to quash the impugned order u/s.201/201(1A) of the Income Tax Act, 1961 dated 29.03.2024 in DIN & Letter No.ITBA/CT/153/1/29032024/00001 for the

Financial Year 2016-17.

PRAYER in W.P.No.16148 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the Writ Petitioner on the file of the 1st Respondent to quash the impugned order u/s.201/201(1A) of the Income Tax Act, 1961 dated 29.03.2024 in DIN & Letter No.ITBA/CT/153/1/29032024/00002 for the Financial Year 2017-18.

PRAYER in W.P.No.16201 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the Writ Petitioner on the file of the 1st Respondent to quash the impugned order u/s.201/201(1A) of the Income Tax Act, 1961 dated 29.03.2024 in DIN & Letter No.ITBA/CT/153/1/29032024/00003 for the Financial Year 2018-19.

PRAYER in W.P.No.16210 of 2024: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records of the Writ Petitioner on the file of the 1st Respondent to quash the impugned order u/s.201/201(1A) of the Income Tax Act, 1961 dated 29.03.2024 in DIN & Letter No.ITBA/CT/153/1/29032024/00005 for the Financial Year 2020-21.

For Petitioner (in all WPs) : Mr.P.S.Raman, Advocate General assisted by Mr.C.Gauthamaraj

For Respondents : Mr.V.Mahalingam, SPC
Ms.S.Premalatha, Junior Standing Counsel

(in W.P.No.15818/2024)

For Respondents : Dr.B.Ramaswamy
Senior Standing Counsel
(in WP.Nos.15854,15900, 15924, 16145, 16148, 16201 & 16210/2024)

COMMON ORDER

By these writ petitions, orders under Section 201/201(1A) of the Income Tax Act, 1961 and consequential re-assessment proceedings under Section 148 are challenged.

2. Learned Advocate General for the petitioner submits that the total tax demand under the impugned orders under Section 201/201(1A) is about Rs.126 crores across the relevant assessment periods. He points out that two rectification petitions were filed in respect of the aggregate liability of about Rs.50 crore. The first rectification petition was filed on 05.06.2024 and the second on 20.06.2024. The rectifications were filed in respect of interest payments made to the University of Madras, CMDA, educational institutions and the like. He submits that relevant certificates have been submitted in respect of most of these entities. He seeks expeditious disposal

of these rectification petitions. As regards the remaining sum of about Rs.70 crore, he submits that the petitioner is ready to remit a reasonable portion thereof to protect revenue interest in the interregnum.

3. Dr.B.Ramaswamy, learned senior standing counsel, who appears on behalf of the respondents, submits that the time limit specified in Section 154 of the Income Tax Act for the disposal of rectification petitions is six months. Therefore, he contends that reasonable time should be provided for the consideration and disposal of such rectification petitions. He also points out that the said petitions should be filed by uploading the petition and supporting documents on the portal and not by manual submission. He further submits that the petitioner should be directed to avail of the statutory remedy.

4. The rectification petitions have been placed on record. On examining the same, it appears that interest payments to Government entities form the subject of those rectification petitions, and the said petitions cover the tax demand to an extent of about Rs.50 crore. All the impugned

orders under Section 201/201(1A) were issued after the petitioner was heard. In these circumstances, it is appropriate that the petitioner approaches the appellate authority in respect thereof. Since the impugned orders were issued on 29.04.2024 and the petitioner approached this Court within 30 days, it is just and necessary to direct the appellate authority to receive and dispose of the appeals on merits, if the appeals are presented within a reasonable time. Meanwhile, it is necessary to extend protection to the petitioner by putting the petitioner on terms.

5. Therefore, these writ petitions are disposed of without costs and the miscellaneous petitions are closed with the following directions:

(i) The petitioner is directed to remit a sum of Rs.15 crore within two weeks from the date of receipt of a copy of this order towards the tax demand under the impugned orders under Sections 201/201(1A) of the Income Tax Act. Subject to the remittance of the said amount, the orders under Sections 201/201(1A) shall be stayed until disposal of statutory appeals to be filed by the petitioner.

(ii) Such statutory appeals shall be presented by the petitioner within ten days from the date of receipt of a copy of this order and the appellate authority is directed to receive and dispose of the same on merits without going into the question of limitation.

(iii) The rectification petitions filed by the petitioner on 05.06.2024 and 20.06.2024 are directed to be disposed of within three months from the date of receipt of a copy of this order. The petitioner is directed to take necessary steps to upload the application and supporting documents on the portal within one week from the date of remittance of the sum of Rs.15 crore.

(iv) The respondents are directed to provide access to the portal and enable the uploading thereof.

(v) Proceedings for reassessment pursuant to the notice under Section 148 shall be kept in abeyance until disposal of the statutory appeals to be filed by the petitioner.

01.07.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
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To

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<u>SENTHILKUMAR RAMAMOORTHY,J</u>

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