IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.5056 of 2025
& W.M.P.No.5610 of 2025

M/s.Indo Shell Mould Limited,
Rep by its Joint Managing Director,
Mr.Rajesh Jagadeesan,
A-9, SIDCO Industrial Estate,
Coimbatore 641 021

... Petitioner

Vs.

1.The Central Board of Direct Taxes,
Rep by its Chairperson,
Department of Revenue-Ministry of Finance,
Government of India, New Delhi.

2.Principal Chief Commissioner of Income Tax,
Tamil Nadu & Puducherry,
Room No.107, 121, Mahatma Gandhi Road,
Chennai 600 034.

3.The Deputy Commissioner of Income Tax,
Corporate Circle -1, Coimbatore,
Coimbatore Main Building, 63, Race Course Road,
Coimbatore, Tamil Nadu 641 018

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in PAN: AAACI4300C and pass the impugned order in CHE/COORD/119/OT&WT/107/2023-24 under Section 119(2)(b) of the Income Tax Act, 2961 dated 23.12.2024 for the AY 2022-23 and quash the same as illegal, arbitrary and devoid of merit and consequently, direct the 2nd respondent to condone the delay in filing the return for the AY 2022-23 by the petitioner.

For Petitioner	:	Mr.Vijay Narayan, Sr.counsel for Mr.R.Sivaraman
For Respondent	:	Dr.B.Ramaswamy, Senior Standing counsel

ORDER

This writ petition has been filed challenging the impugned order dated 23.12.2024 passed by the respondent and to condone the delay in filing the returns for AY 2022-23.

2. The learned counsel for the petitioner would submit that the petitioner had filed their returns for the AY 2022-23 with a delay of 54

days. According to the petitioner, the said delay had occurred for the following reasons:

i) Due to the displacement of 2 of the 6 directors being out of the country, the required quorum was unavailable for conducting the AGM for the period ending 31.03.2022. Hence, additional extension sought by the Company after suitable board resolution from the Registrar of Companies, Coimbatore, which was allowed by the said authority vide order dated 28.09.2022 thereby extending time until 30.11.2022.

ii) The sudden retrenchemnt of the erstwhile CFO, Mr.S.Sundararajan, who despite his service over 4 years left office on 05.12.2022 due to complaints of dereliction of duties discovered by the Company. This put the petitioner in severe administrative exigency causing delay in statuory and regulatory compliances.

iii) The health of the Chairman/Managing Director of the petitioner, Mr.K.Jagadeesan, aged about 85 years significantly declined in the months of November-December, 2022, which causes delay in finalizing the accounts and filing the returns.

3. Further, he would submit that though the aforesaid reasons were explained by the petitioner, the respondent had failed to consider the same while passing the impugned order. Hence, this writ petition.

4. On the other hand, the learned Senior Standing counsel appearing for the respondent had vehemently opposed for the submissions made by the petitioner and would submit that though an extension of time was granted by the respondent vide order dated 28.09.2022, the petitioner had failed to file their returns within the time limit. Hence, he requests this Court to pass appropriate orders.

5. Heard the learned counsel for the petitioners and the learned Senior Standing counsel appearing for the respondents and also perused the materials available on record.

6. In the case on hand, there was a delay of 54 days in filing the returns, for AY 2022-23, by the petitioner and hence, the same was

rejected by the respondent vide the impugned order dated 23.12.2024. However, upon considering the submissions made by the petitioner, this Court feels that the reasons assigned by the petitioner for the said delay appear to be genuine.

7. As contended by the learned Senior Standing counsel appearing for the respondent, in spite of the extension of time limit, the petitioner had failed to file their returns. In such view of the matter, this Court is inclined to condone the delay of 54 days in filing the returns, subject to terms. Accordingly, this Court passes the following orders:-

> (i) The impugned order dated 23.12.2024 is set aside and the delay of 54 days in filing the returns is hereby condoned on condition that the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to The Principal Government Naturopathy Medical College and Hospital, Account No.7883022723, IFSC Code: IDIB000M157, within a period of four weeks from today (08.04.2025).
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> (ii) The petitioner shall file their returns for the AY 2022-2023 within a period of 4 weeks from the date of receipt of copy of this order.

(iii) On filing of returns by the petitioner, the respondent shall consider the same and thereafter, pass appropriate orders on merits and in accordance with law, after hearing the petitioner, as expeditiously as possible.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

08.04.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
nsa

To

1.The Central Board of Direct Taxes,
Rep by its Chairperson,
Department of Revenue-Ministry of Finance,
Government of India, New Delhi.

2.Principal Chief Commissioner of Income Tax,
Tamil Nadu & Puducherry,
Room No.107, 121, Mahatma Gandhi Road,
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3.The Deputy Commissioner of Income Tax,
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<u>KRISHNAN RAMASAMY.J.,</u>

nsa

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