



WEB COPY

CMP NO. 1142 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2025

CORAM

THE HONOURABLE DR JUSTICE ANITA SUMANTH

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

CMP NO. 1142 of 2025

AND CMA SR NO. 172536 OF 2024

Deputy Commissioner of Income Tax

(Initiating Officer) (Benami Prohibition Unit), Room No.2, Ground Floor, Income Tax
Investigation Wing Building, 108 NH Road, Nungambakkam, Chennai

Appellant(s)

Vs

M/s Avanish Orchards Pvt Ltd

R/o 75/1 First Floor Railways Parallel Road, Kumara Park West,
Bengaluru, Karnataka - 560 020.

Respondent(s)

CMA SR NO. 172536 of 2024

Deputy Commissioner Of Income Tax(the Initiating Officer)

108 NH Road, Nungambakkam, Chennai

Appellant(s)

Vs

M/s Avanish Orchards Pvt Ltd

108 NH Road, Nungambakkam, Chennai

Respondent(s)

CMP NO. 1142 of 2025 & CMA SR NO. 172536 of 2024

For Appellant(s): Mrs. Sheela, Special Public Prosecutor

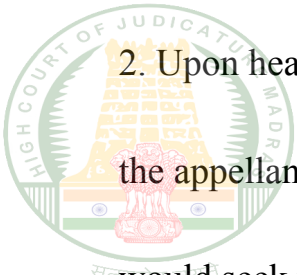
For Respondent(s):

ORDER

(Order of the Court was made by the Hon'ble Anita Sumanth J.)

The revenue has filed the Miscellaneous Petition seeking condonation of delay of 2

days in filing the Civil Miscellaneous Appeal.



2. Upon hearing the submissions of Mrs. Sheela, learned Special Public Prosecutor,

the appellant, we see no reason to condone the delay, seeing as ultimately the revenue

सर्वोच्च would seek withdrawal of the Civil Miscellaneous Appeal once admitted.

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3. We have had occasion to consider other Civil Miscellaneous Appeals involving

identical issues, where, relying on the judgment of the Supreme Court in *Union of*

India & Another V. M/s. Ganpati Dealcom Pvt. Ltd. (Review Petition (Civil) No. 359 of

2023 in Civil Appeal No. 5783 of 2022 dated 18.10.2024), the Income Tax Department

has not been pursuing such appeals.

4. Hence, in the interests of consistency and on the basis of the fair representation by

Mrs. Sheela, learned Special Public Prosecutor, the Miscellaneous Petition seeking

condonation of delay is dismissed, as also the Civil Miscellaneous Appeal even in the

SR stage.

(ANITA SUMANTH J.) (G. ARUL MURUGAN J.)

21-01-2025

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