IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.45840 of 2025
and
W.M.P.Nos.51089 and 51091 of 2025

Soundarrajan Jayalakshmi ... Petitioner

Vs.

1. Additional / Joint / Deputy / Assistant Commissioner of Income Tax / Income Tax Officer, National e-Assessment Centre, New Delhi.
2. Income tax Officer, Ward I, No,1, Chairman Subbarayar Street, 1st Floor, West Shanmugauram, Villupuram – 65602.
3. The Commissioner of Income Tax (Appeals) National Faceless Appeal Centre, New Delhi.
4. The Branch Manager Punjab National Bank, Villupuram Branch, 22 Babu Complex, Mahatma Gandhi Road, Villupuram. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in impugned order in DIN:ITBA/AST/S/144/2021-22/1032612680(1) dated 22.04.2021 in PAN: AJbPJ0058R for the AY 2018-

19 and quash the same and further direct the respondents 1 & 2 to conduct an enquiry under Section 133 (6) on the fourth respondent Bank.

For Petitioner	:	Mr.G. Vardini Karthik
For R1 to R3	:	Mrs.S.Premalatha Senior Standing Counsel

ORDER

Mrs.S.Premalatha, learned Senior Standing Counsel, takes notice for the Respondents 1 to 3.

2. This Writ Petition is being disposed of at the time of admission with the consent of the learned counsel for the Petitioner and learned Government Advocate for the Respondents 1 to 3.

3. In this Writ Petition, the Petitioner has challenged the impugned Assessment Order dated 22.04.2021 passed for the Assessment Year 2018 – 2019 under Section 144 read with Section 144B of the Income Tax Act, 1961. The impugned order came to be passed on the ground that the petitioner failed to respond to the notices issued during the assessment proceedings. Consequently, the first respondent / Assessing Officer passed the impugned Assessment order.

4. Aggrieved by the said assessment order, the petitioner has filed a statutory appeal before the third respondent on 22.09.2022, which is still pending consideration.

5. The entire demand proposed in the assessment is based on an alleged unexplained credit of Rs.8,72,01,110/-, stated to have been credited to the petitioner's bank account on 21.08.2017 and reversed on the same day by the fourth respondent bank.

6. The said transaction pertains to the petitioner's account maintained with the fourth respondent bank at Villupuram. According to the petitioner, the credit was erroneous and occurred due to a mistake on the part of the Bank and that it was reversed on the same day under "wrong credit reversed".

7. In paragraph 3 and 4 of the impugned order, the Assessing Officer has relied upon the said credit entry to justify the passing of the assessment order under Section 144 read with Section 144B of the Act for the Assessment year 2018-2019.

8. A *prima facie* reading of the impugned order indicates that it was passed solely on account of failure of the petitioner to respond to the Show Cause notice issued which preceded the impugned order. While concluding that the amount credited to the petitioner's account was unexplained, the respondent authorities ought to have examined the entries in the petitioner's bank passbook in detail.

9. It appears that the petitioner has also post facto obtained a certificate dated 05.03.2024 from the fourth respondent Bank, wherein it has been clearly stated that the aforesaid amount was credit entry in to the petitioner's account was a mistake and an erroneous entry.

10. The relevant portion of the said certificate dated 05.03.2024 issued by the fourth respondent Bank is reproduced below:

> *"TO WHOMSOEVER IT MAY CONCERN*
>
> *This is to certify that account M/s. Jayalakshmi Agri seeds, bearing account No.088008700201110 is marked wrong entry due to clerical mistake with regard to transaction amount i.e. 8,72,01,110 on 21.08.2017.*
>
> *Aftermath, the customer received income tax notice on 27.05.2022 to lien mark the amount due to the wrong transaction on 21.08.2017.*
>
> *It is true that the transaction to the amount of 8,72,01,110 on 21.08.2017 do not pertain to the customer and*

the entry is made due to clerical mistake.

This certificate is issued at the request of Mrs.Jayalakshmi (Prop Of M/s.Jayalakshmi Agri Seeds)."

11. Considering the fact that the petitioner has already filed a statutory appeal before the third respondent on 22.09.2022, this writ petition is disposed of with a direction to the third respondent to dispose of the said appeal on merits on its own turn, without reference to limitation.

12. Since, the petitioner has made out a *prima facie* case on merits, all recovery proceedings pursuant to the impugned assessment order shall be kept in abeyance till orders are passed by the third respondent in the pending appeal filed by the petitioner.

13. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

28.11.2025

Index : Yes/No
Neutral Citation :Yes/No
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   Assistant Commissioner of Income Tax /
   Income Tax Officer, National e-Assessment Centre,
   New Delhi.

2. Income tax Officer, Ward I,
   No,1, Chairman Subbarayar Street, 1st Floor,
   West Shanmugauram, Villupuram – 65602.

3. The Commissioner of Income Tax (Appeals)
   National Faceless Appeal Centre, New Delhi.

4. The Branch Manager
   Punjab National Bank,
   Villupuram Branch,
   22 Babu Complex,
   Mahatma Gandhi Road, Villupuram.

C.SARAVANAN, J.

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