IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 12365 of 2026
and WMP Nos.13513 & 13515 of 2026

M/s Puducherry Agro Service and Industries
Corporation Ltd.,
Rep. by its Managing Director,
Agro House, Thattanchavady,
Puducherry-605009

..Petitioner(s)

Vs

1. The Commissioner of Income Tax (Appeals)
   Income Tax Department,
   Ministry of Finance,
   Government of India,
   Deivanayaga Pillai Thottam M.G. Road,
   Muthialpet, Puducherry-605 003
2. The Assistant Commissioner of Income Tax
   Circle-1 Puducherry,
   Income Tax Department,
   Ministry of Finance,
   Government of India,
   Deivanayaga Pillai Thottam, M.G.Road,
   Muthialpet, Puducherry-605 003

3. Indian Bank
   rep. by its Manager,
   Main Branch, M.G.Road,
   Puducherry-605 001

4. State Bank of India
   rep. by its Manager,
   Main Branch,
   Suffren Street, Puducherry.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to (i) the Notice of Attachment bearing No.ITBA/COM/F/17/2025-26/1083677428(1), dated 15.12.2025 (ii) the Notice of Attachment bearing No.ITBA/COM/F/17/2025-26/1083665567(1) dt. 15.12.2025 on the file of the 2nd Respondent and quash the same and consequently forbear the 2nd Respondent from taking any actions for recovery against the Petitioner till the disposal of the Appeal filed by it before the 1st Respondent.

For Petitioner(s):	Mr.T.P.Manoharan, Senior Counsel for M/s. T.M. Naveen
For Respondent(s):	Mr.S.Rajasekar, Junior Standing Counsel and Mrs.C.P.Priya, Senior Standing Counsel, for R1 and R2

ORDER

Mr.S.Rajasekar, learned Junior Standing Counsel and Mrs.C.P.Priya, learned Senior Standing Counsel, takes notice for the Respondents 1 and 2.

2. This Writ Petition is being disposed of at the stage of admission itself, with the consent of the learned counsel for the Petitioner and the learned Standing Counsel for the Respondents 1 and 2.

3. Heard the Senior Counsel for the Petitioner and the learned Standing Counsel for the Respondents 1 and 2.

4. In this Writ Petition, the Petitioner has challenged the impugned notice

issued under Section 226(3) of the Income Tax Act, 1961, seeking to attach the Petitioner's Bank Account with the 3rd and 4th Respondents. The Petitioner appears to be a Government company which had suffered an adverse assessment order for the assessment year 2019-20 on 08.03.2024. The Petitioner has filed an appeal on 14.11.2024 belatedly. The learned Senior Counsel would submit that the Petitioner was called upon for a personal hearing and also to file a written submission, and thereafter nothing has been progressed. It is further submitted that the Petitioner is likely to incur expenditure towards salary which exceeds its income, and therefore, the Petitioner is not in a position to deposit the amount, despite having filed an appeal on 14.11.2024.

5. Having considered the submissions made by the learned Senior Counsel for the Petitioner and the learned Standing Counsel for the Respondents 1 and 2. I am inclined to remit the case back and direct the Respondents to keep the impugned proceedings in abeyance for a period of three months from today. Within such time, it is open to the Petitioner to work out the remedy by either securing a stay order from the Appellate Commissioner before whom the appeal was filed on 14.11.2024, or, in the alternative, to approach the jurisdictional Assessing Officer under Section 220(6) of the Income Tax Act, 1961. Either way, the Authority shall be guided by the decision of the Hon'ble Supreme Court in **LG Electronics India Pvt. Ltd., Vs. Principal Commissioner of Income Tax, in SLP No.18681 of 2018, dated**

10.12.2021, (2022), 443 ITR 45/2021 SCC Online SC3211. In case the Petitioner fails to file any such application within the said time, the Respondents are at liberty to proceed against the Petitioner in accordance with the impugned recovery proceedings.

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

27-03-2026

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

To

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C.SARAVANAN, J.

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