IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2026

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.35043 & 35049 of 2022
and
W.M.P.Nos.34486, 34487, 34490 & 34491 of 2022

Acorn Commodity Exchanges and
Holdings Private Limited,
Represented by its Director,
Shri Raviprakash,
11, K.B.H. Colony,
Gudiwada, Near Guindy Temple, Karwar
Karnataka – 581 301, Tamil Nadu, India

Presently at:

Door No. AG-71, 3rd Street,
River View Colony, Anna Nagar,
Chennai – 600 040. ... Petitioner in both W.Ps

Vs.

1. The Additional/Joint/Deputy/Assistant
Commissioner of Income Tax/Income Tax Officer,
National Faceless Assessment Centre, Delhi.

2. The Deputy Commissioner of Income Tax,
Corporate Circle - 1(1) Che, Chennai.

3. The Income Tax Officer,
Corporate Ward – 1(1) Che,
Chennai. ... Respondents in both W.Ps

Prayer in W.P.No.35043 of 2022: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records on the file of the Respondents in PAN: AAGCA3453N and quash the impugned assessment order passed u/s. 147 r.w.s. 144 read with Section 144B of the Income Tax Act, 1961 in ITBA/AST/S/147/2021-22/1041843899(1) for the Assessment Year 2013-14 dated 28.03.2022 issued by the 1st Respondent as illegal, without jurisdiction and not in accordance with law.

Prayer in W.P.No.35049 of 2022: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records on the file of the Respondents in PAN: AAGCA3453N and quash the impugned penalty order passed u/s. 271(1)(c) of the Income Tax Act, 1961 in ITBA/PNL/F/271(1)(c)/2022-23/1045527554(1) for the Assessment Year 2013-14 dated 15.09.2022 issued by the 3rd Respondent as illegal, without jurisdiction and not in accordance with law.

For Petitioner in both W.Ps : Mr.R.Sivaraman

For Respondents in both W.Ps : Mr.Avinash Krishnan Ravi
Junior Standing Counsel

COMMON ORDER

By this Common Order, both these writ petitions are being disposed of.

2. In W.P.No.35043 of 2022, the petitioner has challenged the impugned Assessment Order dated 28.03.2022 passed by the 1st respondent, whereby an assessment was completed under Section 147 read with Sections 144 and 144B of the Income Tax Act, 1961, for the Assessment Year 2013-2014.

3. In W.P.No.35049 of 2022, the petitioner has challenged the impugned Penalty Order dated 15.09.2022 passed by the 3rd respondent under Section 271(1)(c) of the Income Tax Act, 1961, which was passed as a consequence of the Assessment Order dated 28.03.2022 impugned in W.P.No.35043 of 2022.

4. The facts on record reveal that the petitioner failed to respond to the show cause notices issued prior to the assessment Order dated 28.03.2022.

5. The reasons for not responding to or participating in the proceedings are set out in Paragraph 14 of the affidavit, which is reproduced below:

"14. The Petitioner submits that crucially, it is also important to point out that even if the Respondents have sent / proposed to send a communication it could have not been delivered as in the impugned order, the address has been mentioned as "11, K.B.H. COLONY, GUDIWADA, NEAR GUINDY TEMPLE, KARWAR, KARNATAKA – 581 301, TAMILNADU INDIA", which has never been the registered address of the Petitioner. Thus, the likelihood of the Respondents to make an effective service of a physical letter is also not possible when the address is incorrect. It is also very relevant to state that the error in the address of the Petitioner is very evident i.e "Karnataka ....Tamilnadu" and it is incomprehensible that such an obvious error missed the attention of the Assessing Officer."

6. Being satisfied with the reasons stated in the affidavit, and considering the fact that a high pitched demand has been made in the absence of a proper reply from the petitioner, the case is remanded to the 1st respondent to pass a fresh order, insofar as the Order dated 28.03.2022 impugned in W.P.No.35043 of 2022 is concerned.

7. Consequently, the Order dated 15.09.2023 impugned in W.P.No.35049 of 2022 is quashed.

8. The petitioner is accordingly directed to pay the admitted tax liability and file a return within a period of 30 days from the date of receipt of a copy of this order. Within such time, the petitioner shall also file a reply to

the notices that preceded the impugned Order dated 28.03.2022, treating the said order as an addendum to those notices.

9. Subject to the petitioner complying with the above stipulations, the 1st respondent shall endeavour to pass a final order, as expeditiously as possible, preferably within a period of 12 months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

10. In case the petitioner fails to comply with the above stipulations, the respondents are at liberty to proceed against the petitioner in the manner known to law.

11. In view of the above, W.P.No.35049 of 2022 stands allowed, and W.P.No.35043 of 2022 stands disposed of with the above directions. Consequently, connected miscellaneous petitions are closed. No costs.

10.03.2026

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Neutral Citation : Yes / No

To

1. The Additional/Joint/Deputy/Assistant
   Commissioner of Income Tax/Income Tax Officer,
   National Faceless Assessment Centre, Delhi.

2. The Deputy Commissioner of Income Tax,
   Corporate Circle - 1(1) Che, Chennai.

3. The Income Tax Officer,
   Corporate Ward – 1(1) Che,
   Chennai.

C.SARAVANAN, J.

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W.P.Nos.35043 & 35049 of 2022

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