APHC010172702026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3529]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

<u>WRIT PETITION NO: 9191/2026</u>

Between:

Gopalam Abhinaya **...PETITIONER**

AND

The Principle Commissioner Of Income Tax and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. K ADI SIVA VARA PRASAD

Counsel for the Respondent(S):

1. Y N VIVEKANANDA

The Court made the following Order:

Sri Y. N. Vivekananda, the learned Standing Counsel appearing for the respondents seeks further time for obtaining the instructions.

The petitioner, who is an assessee, under the Income Tax Act, 1961, had filed her returns, for the financial year, 2021-2022. The said returns were accepted and confirmed, by proceedings, dated 04.01.2023. Subsequently, the petitioner filed a Revision Petition, under Section 264 of the Income Tax Act, on 06.09.2024, contending that, a sum of Rs.86,73,173/- was received, on account of cancellation/relinquishment of ESOP/ESPS, had been wrongly shown as salary income and should be treated as capital gains and should be exempted, under Section 54F.

The Revisional Authority rejected the Revision Petition, by an order, dated 20.02.2026. The Revisional Authority also appears to have passed orders, on the merits of the case also.

The petitioner has approached this Court, on the ground that, the order, on merits, has been passed without further notice to the petitioner and the rejection of the revision petition, on ground of delay is not warranted.

The communication against which the revision was filed, was served, on 04.01.2023 and the period of limitation expired, on 03.01.2024. The petitioner filed the revision application, on 06.09.2024 with an explanation given for the period from September – 2023 to September – 2024. The Revisional Authority does not dispute the said reason. However, the Revisional Authority has taken the view that the delay from January – 2023 to September – 2023, should also be explained.

Prima facie, we would observe that the said view of the Revisional Authority, requires further consideration.

In these circumstances, there shall be stay of further proceedings, pursuant to the order of revision, dated 20.02.2026.

Post on 16.06.2026.

R. RAGHUNANDAN RAO, J

T.C.D.SEKHAR, J

KPV