APHC010216942026

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

[3529]

TUESDAY,THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 11449/2026

Between:

1. M/S NEKARIKALLU PRIMARY AGRICULTURE COOPERATIVE CREDIT SOCIETY LIMITED NEKARIKALLU, CREDIT SOCIETY LIMITED NEKARIKALLU, REP. BY ITS CHIEF EXECUTIVE OFFICER SRI KOLLAPUDI SRINIVASA RAO, H.NO.1-439/1 MAIN ROAD, NEKARIKALLU, NEKARIKALLU MANDAL, PALANADU DISTRICT 522615

...PETITIONER

AND

1. THE ASSESSMENT UNIT INCOME TAX DEPARTMENT, NATIONAL FACELESS ASSESSMENT CENTRE, ROOM NO. 401,2ND FLOOR, E-RAMP, JAWAHARLAL NEHRU STADIUM, DELHI-110003.

2. THE COMMISSIONER OF INCOME TAX APPEALS, INCOME TAX DEPARTMENT, NATIONAL FACELESS APPEAL CENTRE (NFAC), DELHI.110001

3. UNION OF INDIA DEPARTMENT OF REVENUE, DIRECT TAXES, GOVERNMENT OF INDIA, REP. BY ITS

SECRETARY NORTH BLOCK, GROUND FLOOR, SANSAD MARG NEW DELHI-110001.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, (a) declaring the action of the 2nd respondent in dismissing the appeal by Order dated 29.09.2025 for the assessment Year 2022-23 vide DIN and Order No.ITBA/NFAC/S/250/2025-26/1081292952 (1) and confirming the assessment order passed by the 1st respondent without dealing with the merits as arbitrary, illegal, unsustainable under Law and consequently. (b) set-aside the same along with the Assessment Order dt. 12.03.2024 passed by the 1st Respondent under Section 144 read with Section 144B of the Income-tax Act for A.Y. 2022-23 vide DIN No.ITBA/AST/S/147/ 2023-24/1062463540(1) as void, illegal, and contrary to the principles of natural justice. C) to pass

<u>IA NO: 1 OF 2026</u>

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to grant stay of all further proceedings pursuant to the notice of demand dated 12.03.2024 issued by the 1st respondent vide DIN No.ITBA/AST/S/156/2023-24/1062463540(1) demanding an amount of Rs.52,36,780/- for the AY 2022-23 and to pass

Counsel for the Petitioner:

1. PURNA CHANDRA SAI K

Counsel for the Respondent(S):

1. Y N VIVEKANANDA

The Court made the following order:*(per Hon'ble Sri Justice R Raghunandan Rao)*

The petitioner, having suffered an order of assessment dated 12.03.2024, passed under Section 144 r/w. Section 144 (B) of the Income Tax Act, filed an appeal against the said order. The appellate authority, namely the 2nd respondent, took up the appeal and issued notices to the petitioner to appear before the 2nd respondent. However, despite service of such notices through online, the petitioner did not appear before the 2nd respondent. Consequently, the 2nd respondent dismissed the appeal by way of proceedings dated 29.09.2025, on the sole ground that the petitioner had failed to comply with the notices issued for personal hearing. Aggrieved by this order of dismissal passed by the 2nd respondent, the petitioner filed the present writ petition.

2. Sri Girish Kumar, learned Senior Counsel appearing for Sri Purna Chandra Sai.K, learned counsel for the petitioner, would contend that the order of dismissal, passed on the sole ground of non-compliance with the notices issued by the 2nd respondent, is arbitrary and opposed to principles of natural justice. The learned Senior Counsel would further contend that the 2nd respondent was required to consider the objections and grounds of appeal raised by the petitioner before disposing of the

appeal. As none of these grounds of appeal have been considered by the 2nd respondent, it must be held that there is a violation of principles of natural justice, and consequently, such an order requires to be set aside.

3. A perusal of the impugned order would show that the 2nd respondent, after noting that various notices for personal hearing had been ignored, had gone on to hold that, in such circumstances, the appeal deserved to be dismissed.

4. While the 2nd respondent would have taken an exception to the petitioner's non-compliance with the direction to appear for personal hearing, the same could not have been extended to the stage of dismissing the appeal itself, without considering the grounds raised therein. The non-consideration of the grounds of appeal while disposing of the appeal is sufficient to hold that there has been a violation of principles of natural justice.

5. In the circumstances, this writ petition is allowed, setting aside the order in appeal dated 29.09.2025 passed by the 2nd respondent and the matter is remanded back to the 2nd respondent to consider and pass orders in the appeal, after affording an opportunity of hearing to the petitioner.

There shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.

R RAGHUNANDAN RAO, J

T.C.D. SEKHAR, J

Dt.28.04.2026
DSB

113

HON’BLE SRI JUSTICE R RAGHUNANDAN RAO

AND

HON’BLE SRI JUSTICE T.C.D. SEKHAR

WP.No.11449/2026

Dated 28.04.2026

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