HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 1219 OF 2023

Between:

K. Yadagiri, S/o. Late. K. Gowraiah,

...Petitioner

AND

1. Ministry of Finance, National Faceless Assessment Center Represented by Its Principal Chief Commission of Income Tax Department Room No 356 C.R. BUILDING, IP Estate, New Delhi, Delhi 110002.
2. Deputy Commissioner of Income Tax Regional Faceless Assessment Center, Income Tax Department, Central circle-1(4) Ayakar Bhavan, Opposite to L.B.Stadium, Basheer bagh, Hyderabad.
3. Assessment Officer, Regional Faceless Assessment Center, Income Tax Department, Central circle-1(4) Ayakar Bhavan, Opposite to L.B.Stadium, Basheer bagh, Hyderabad.

...Respondents

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 to issue an appropriate writ, order or dire particularly one in the nature of WRIT OF MANDAMUS declaring the ac respondents null and void and contrary to the provision of the Income Tax Act for not following the due procedure of law prescribed under the Income Tax Act 1961 under section 144 B and consequently quash, or set - aside the final assessment order dated 28.12.2022 and demand notice issued under section 156 of Income Tax and show cause notices issued under section 274 R/W 270 A, Notice U/S 274 R/w Section 271AAC(1) of Income Tax Act.

<u>IA NO: 1 OF 2023</u>

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the Writ Petition, the High Court may be pleased to stay of all further proceedings for appeal and subsequently stay the proceedings for the demand notice issued under section 156 for penalty proceedings Issued under sections 274 R/W 270 A, Notice U/S 274 R/w Section 271AAC (1) of Income Tax Act

1961, pending disposal of Writ Petition No.1219 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated: 11.01.2023, 08.06.2023, 27.07.2023 & 28.08.2023 made herein and upon hearing the arguments of Mr. MANDALA NAGENDRA BABU Advocate for the Petitioner, SRI. GADI PRAVEEN KUMAR (DEPUTY SOLICITOR GENERAL OF INDIA) for the Respondent No.1 and Mr. K. RADHA KRISHNA Advocate for the Respondent Nos.2 and 3, the Court made the following.

ORDER:

Learned Standing Counsel for the Income Tax Department, appearing for the respondents, submits that counter-affidavit has been filed in the matter. However, learned counsel for the petitioner submits that counter-affidavit has not been served on them.

Let a copy of the counter-affidavit be served by the learned Standing Counsel for the Income Tax Department on the learned counsel for the petitioner by the next date of hearing.

List the Writ Petition on 30.01.2024.

Till then, interim order granted earlier to continue.

Sd/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Mr. MANDALA NAGENDRA BABU, Advocate [OPUC].
2. One CC to SRI. GADI PRAVEEN KUMAR (DEPUTY SOLICITOR GENERAL OF INDIA), Advocate [OPUC].
3. Two spare copies

HIGH COURT

PSKJ & NTRJ

DATED: 04.12.2023

LIST ON 30.01.2024

ORDER

WP.No.1219 of 2023

EXTENSION OF STAY