

[3163]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE TWENTY SIXTH DAY OF AUGUST TWO THOUSAND AND
TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

AND

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

IA No. 2 OF 2021

IN

WP NO: 20000 OF 2021

Between:

M/s Sandhya Hotels (West) Private Limited, Sy. No. 86, 87, 90, 91, Sandhya Techno
- 1, Opposite Sunshine Hospital, Raidurg Main Road, Hyderabad - 500 032,
Telangana. Represented by its Managing Director, Mr.S.Sreedhar Rao, S/o
Mr.S.Babu Rao.

...Petitioner

(Petitioner in WP 20000 OF 2021
on the file of High Court)

AND

1. The Assistant Commissioner of Income Tax,, Central Circle - 3(2) Hyderabad,
Aayakar Bhavan, Opposite LB Stadium, Basheerbagh, Hyderabad - 500 004.
2. The Principal Commissioner of Income Tax, Central Circle, Hyderabad, Aayakar
Bhavan, Opposite LB Stadium, Basheerbagh, Hyderabad - 500 004.
3. The Assistant Commissioner of Income Tax,, Circle - 3(1), Hyderabad, 7th Floor,
B - Block, IT Towers, 10-2-3, AC Guards, Masab Tank, Hyderabad - 500 004,
Telangana.
4. The Principal Commissioner of Income Tax - 3, Hyderabad,, Aayakar Bhavan,
Opposite LB Stadium, Basheerbagh, Hyderabad - 500 004, Telangana

...Respondents

(Respondents in-do-)

Counsel for the Petitioner

:M/s A V A SIVA KARTIKEYA

Counsel for the Respondents 1 & 2

:SRI B NARASIMHA SARMA

Counsel for the Respondents 3 & 4

:SRI J V PRASAD

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 to grant stay of all further proceedings, including any recovery, pursuant to the Assessment order passed by the 1st Respondent [DIN and Order No.ITBA/AST/S/143(3)/2021-22/1032511190], for the Assessment Year 2019 - 20, dated 19.04.2021, pending disposal of the WP No. 20000 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

It is the contention of the learned Senior Counsel for the petitioner that the transfer of assessment proceedings has been made from the 3rd respondent to the 1st respondent under the jurisdiction of different Principal Commissioners by the 4th respondent in violation of Section 127(1) of the Income Tax Act, 1961 and even the order of such transfer has not been served on the petitioner, which is mandatory, and consequently the impugned assessment order passed by the 1st respondent is without jurisdiction.

The question of service of the order passed under Section 127 of the Income Tax, 1961, if any, on the petitioner requires verification and Sri J.V.Prasad, learned Senior Counsel appearing for Income Tax Department undertakes to verify and produce proof of service, if any, of the said order passed under Section 127(1) of the Income Tax Act, 1961 on the petitioner.

Pending further orders, there shall be interim stay as prayed for.

//TRUE COPY//

SD/- N CHANDRASHEKAR RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Assistant Commissioner of Income Tax,, Central Circle - 3(2) Hyderabad, Aayakar Bhavan, Opposite LB Stadium, Basheerbagh, Hyderabad - 500 004.
2. The Principal Commissioner of Income Tax, Central Circle, Hyderabad, Aayakar Bhavan, Opposite LB Stadium, Basheerbagh, Hyderabad - 500 004.
3. The Assistant Commissioner of Income Tax,, Circle - 3(1), Hyderabad, 7th Floor, B - Block, IT Towers, 10-2-3, AC Guards, Masab Tank, Hyderabad - 500 004, Telangana.
4. The Principal Commissioner of Income Tax - 3, Hyderabad,, Aayakar Bhavan, Opposite LB Stadium, Basheerbagh, Hyderabad - 500 004, Telangana (1 TO 4 BY RPAD)
5. One CC to SRI. A V A SIVA KARTIKEYA Advocate [OPUC]
6. Two CCs to SRI J V PRASAD (Spl. Senior Counsel), High Court at Hyderabad (OUT)
7. Two spare copies

HIGH COURT

MSRJ & TVKJ

DATED:26/08/2021



ORDER

IA.NO.2 OF 2021

IN

WP.No.20000 OF 2021

INTERIM STAY