

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Fifteenth day of November Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE K. RAVICHANDRABAABU

WP No.32187 of 2019

and WMP.NO.32470/2019

M/S. SUTHERLAND GLOBAL SERVICES [PETITIONER IN BOTH THE PETITIONS]
PRIVATE LIMITED, REP. BY ITS AUTHORIZED
SIGNATORY, V.N. ACHUTARAMA GUPTA,
NO.B2,NO.16, GST ROAD, PERUNGALATHUR,
CHENNAI 600063

Vs

1 THE ADDITIONAL COMMISSIONER [RESPONDENTS IN BOTH THE PETITIONS]
OF INCOME TAX,, ADDL/ JCIT, TRANSFER PRICING
OFFICER - 3, INCOME TAX OFFICE, BSNL TOWER,
NO. 16, GREAMS ROAD, CHENNAI - 600006

2 THE DEPUTY COMMISSIONER OF
INCOME TAX, CORPORATE CIRCLE 6(2)
ROOM NO.705, 7TH FLOOR, NO. 121, M.G.ROAD,
NUNGAMBAKKAM, CHENNAI - 600034

Writ Petitions under Article 226 of the Constitution of India
praying that in the circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to issue a Writ of Certiorarified Mandamus

(1) Calling for the records comprised in the impugned order
bearing Order No. ITBA/ TPO/ F/ 92CA3/ 2019-20/ 1019691921(1) dated
01.11.2019 made under Section 92CA(3) of the Income Tax Act, 1961
passed by the 1st Respondent for the Assessment Year 2015-16, quash
the same and consequently direct the 1st Respondent to provide
adequate opportunity to the Petitioner (in WP.32187/2019) and

(2) To grant Interim Stay of all further proceedings
pursuant to the issuance of the impugned order bearing Order No.
ITBA/ TPO/ F/ 92CA3/ 2019-20/ 1019691921(1) dated 01.11.2019 made
under Section 92CA(3) of the Income Tax Act, 1961 passed by the 1st
Respondent for the Assessment Year 2015-16 (in WMP.32470/2019)
pending disposal of the above WP.32187/2019 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of MR.S.MUTHUVENKATRAMAN, Advocate for the petitioner in both the petitions and of MR.A.N.R.JAYA PRATAP, STANDING COUNSEL on behalf of the Respondents in both the petitions the court made the following order:-

Mr.A.N.R.Jaya Pratap, learned standing counsel takes notice for the respondents and seeks time to get instructions.

2. It is stated by Mr.N.Venkatraman, learned Senior Counsel appearing for the petitioner, that arising out of the same issue involved in this writ petition relevant to the assessment year 2015-2016, earlier writ petitions filed in respect of previous assessment years, have been entertained by this Court and last of such writ petition entertained was in W.P.No.31922 of 2017, by granting an interim order of stay. He also invited this Court's attention to the interim orders granted in the earlier writ petitions relevant to the previous assessment years.

3. The learned standing counsel for the respondents is not disputing the above said fact.

4. Thus, there shall be an interim order of stay of the impugned order pending further orders.

Post the writ petition along with W.P.No.31922 of 2017.

-sd/-
15/11/2019
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

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C.C. to MR.S.MUTHUVENKATRAMAN Advocate SR.NO. 13665

Order
in
WP.32187/2019

and WMP.32470/2019

Date :15/11/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 28/11/2019