



W.P.(MD)No.14300 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2026

CORAM

THE HONOURABLE **Mr.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD)No.14300 of 2026 &
W.M.P(MD)Nos.10719 & 10722 of 2026

M/s.Aurolab Trust,
Represented by its Managing Director,
Mr. R.D. Sriram,
S/o.Duraisamy Ravilla,
No.72, Kuruvikaran Salai,
Gandhi Nagar, Madurai-625020

...Petitioner

vs.

1.The Assistant Commissioner of Income Tax,
Coimbatore,
May Flower Mid City Building, 1510,
Trichy Road,
Coimbatore - 641 018.

2.The Commissioner of Income Tax (Appeals),
National Faceless Appeal Centre,
Income Tax Department,
Delhi - 110 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for the Impugned Notice, dated 30/04/2026 having DIN ITBA/COM/F/17/2026-27/1088737218(1) issued by the first Respondent, quash the same as invalid in the eye of law.



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For Petitioner : Mr.Ravi Kannan

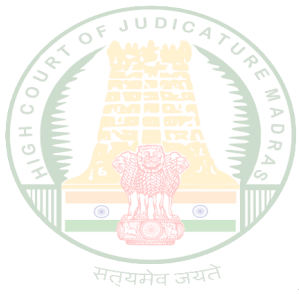
For Respondents : Mr.N.Dilip Kumar,
Central Government Standing Counsel

ORDER

The Writ Petition is filed challenging the impugned notice dated 30.04.2026.

2. The learned counsel appearing on behalf of the petitioner would submit that originally the petitioner challenged the assessment order before this Court. The matter was taken up by the Hon'ble Division Bench in W.A. (MD)No.1682 of 2025 and by Judgment dated 29.08.2025, the Hon'ble Division Bench directed the petitioner to file an appeal and also directed the Appellate Authority to consider grant of interim relief on such reasonable terms, not going by the usual order. Paragraphs 9 and 10 of the said Judgment are extracted here under for ready reference:-

"9.Respectfully applying the ratio in CIT vs Chhabil Das Agarwal (2013) 357 ITR 357 and Ganpact India (P) Ltd vs DCIT (2019) 416 ITR 440, we non-suit the assessee on the sole ground of availability of alternative remedy. Since the learned single Judge had also dealt with merits of the matter, the order of the learned single Judge has to be necessarily set aside and it is accordingly set aside. We grant liberty to



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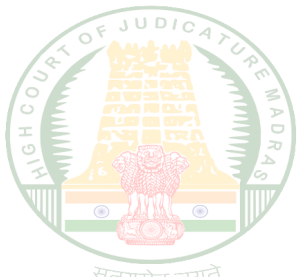
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the appellant to file an appeal within 30 days from the date of receipt of a copy of this order. If such an appeal is filed, it shall be entertained without reference to limitation and be dealt with on merits and in accordance with law. It is also open to the appellant to seek interim relief.

10. Considering the exceptional facts and circumstances obtaining in this case, we are certain that while passing interim order, the appellate authority would put the assessee on appropriate and reasonable terms and no stereotyped order would be passed. If still the assessee feels aggrieved by the terms of the interim order, they can very well move the writ Court again for relief."

3. The learned counsel for the petitioner would submit that accordingly when the petitioner has filed an appeal and also moved an application for interim relief, without grant of the same, the impugned demand is now issued. Further coercive steps are threatened and therefore, the petitioner is before this Court.

4. *Per contra*, Mr.N.Dilip Kumar, learned Central Government Standing Counsel appearing for the respondents would submit that it is the petitioner's own making. Instead of filing an appeal in time, the petitioner dragged on the matter by directly filing a Writ Petition before this Court and ultimately now the revenue is at loss. When the due is of a huge sum of more



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than 95 crores, the petitioner is trying to gain more time and also protracting the matter. The Appellate Authority requires some reasonable time to pass orders on the interim relief as well as the main appeal. The impugned demand requires the petitioner to respond as to whether he has filed any appeal and whether he has got any interim order or not. Even if condone delay application is filed, the same was ordered to be placed on record and it is clearly stated that if the petitioner fails to pay the tax due or fails to respond to the notice, further action will be taken. Therefore, the petitioner can have no cause of action to challenge the demand notice. The petitioner has also got the other remedy of moving the Assessing Authority praying not to declare him as 'defaulting assessee' by filing an appropriate application. Without doing any of the same, the Writ Petition filed by the petitioner cannot be now entertained.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. When the petitioner challenged the assessment order, the order of the Hon'ble Division Bench is to file an appeal and the Appellate Authority has to consider the issue. In the interregnum, the Hon'ble Division Bench has directed the Appellate Authority to pass such interim order on such



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reasonable terms. It is stated that the interim application is not yet disposed of. However, the demand is now issued. Considering the Hon'ble Division Bench directive to impose reasonable condition, I am of the view that the appeal itself can be directed to be disposed of within a period of 12 weeks. In the interregnum, following the dictum laid down by the Hon'ble Division Bench, it would be reasonable to direct the petitioner to deposit 10% of the total amount due. The learned counsel for the petitioner is agreeable for the said 10%. However, he only requests some time to pay the amount.

7. In view thereof, this Writ Petition disposed of on the following terms:-

(i) The Appellate Authority is directed to dispose of the appeal filed by the petitioner as against the order of assessment dated 27.03.2024 within a period of 12 weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order.

(ii) In the interregnum, there shall be no further coercive steps on the petitioner on condition that, within three weeks from today, the petitioner shall deposit 5% of the total demand outstanding and within three weeks thereafter, another 5% shall be deposited. It is made clear that no further extension of time will be granted and even if the petitioner defaults with



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reference to the first instalment, the authorities will be entitled to proceed further even while considering the appeal.

8. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.05.2026

NCC : Yes/No

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To

1.The Assistant Commissioner of Income Tax,
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D.BHARATHA CHAKRAVARTHY, J.

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