

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**24.03.2026
Sl. No.55
as**

W. P. A. 463 of 2026

***M/s. Future Gaming & Hotel
Services Private Limited***

-Vs-

***Deputy Commissioner of Income Tax
(TDS), Circle-6(1), Siliguri & Anr.***

Mr. Abhratosh Majumdar, Ld. Sr. Adv.,
Mr. Avra Majumder,
Mr. Dhiraj Lakhotia,
Mr. Kusal Bhattacharjee,
Mrs. Khushi Kundu,
Ms. Madhulika Sharma,
Mr. Bijan Ghosh,
Ms. Radhika Agarwal.

... .. for the petitioner

Mr. Sudipto Kr. Mazumdar, Ld. DSGI,
Mr. Ajoy Kr. Singhanian.

....for the Income Tax Authority.

1. The petitioner has preferred the present writ petition challenging the impugned notice dated 09.01.2026 issued under Section 201(1)/201(1A) of the Income Tax Act, 1961 (hereinafter referred to as the said Act) for the financial year 2020-2021 as well as the subsequent order dated 12.02.2026 whereby the preliminary objection of the petitioner came to be rejected.
2. Mr. Majumdar, Learned Senior Counsel appearing for the petitioner submits that search and seizure operations were conducted under Section 132 of the Act at

various premises of the petitioner on 12.10.2023, 28.11.2023 and on subsequent dates.

3. It is submitted that thereafter, the Principal Commissioner of Income Tax (Central), Chennai, by order dated 17.05.2024 passed under Section 127 of the Act, transferred the jurisdiction of the petitioner from Central Circle-2, Coimbatore to Central Circle-4(4), Kolkata on the ground of centralisation..
4. Learned Senior Counsel for the petitioner submits that the petitioner had challenged the said transfer order before the Madras High Court by filing a writ petition being WP No.17354 of 2024, which was dismissed by order dated 29.08.2024. An intra court appeal preferred thereto was also dismissed. It is further submitted that the petitioner thereafter preferred a Special Leave Petition (Civil) bearing No.12229-12331 of 2025 before the Hon'ble Supreme Court, which is pending adjudication. The Hon'ble Supreme Court vide its order dated 05.05.2025 was pleased to observe that in the event the authority proceed to pass any order, the

same shall not be given final effect to until the matter is heard on merits.

5. Learned Senior Counsel for the petitioner submits that despite the aforesaid position and the interim protection granted by the Hon'ble Supreme Court, the respondent proceeded to issue impugned show cause notice dated 09.01.2026 under Sections 201 and 201(1)(1A) of the said Act alleging that the petitioner had not deducted TDS before disbursing the prize money and that no corresponding TDS return was filed for the relevant period pertaining to the financial year 2020-2021
6. The petitioner raised preliminary objection, inter alia, on the ground of lack of jurisdiction and in view of the pendency of the proceeding before the Hon'ble Supreme Court. It is contended that the respondent authority without properly considering the said objection with regard to the interim order, rejected the preliminary objection vide order dated 12.02.2026.
7. Per contra, Mr. Mazumdar, learned DSGI submits that the proceeding has been

initiated in accordance with law and that the interim order of the Hon'ble Supreme Court does not bar the continuation of the proceeding but only restrains giving final effect to any order that may be passed. Learned Senior Counsel for the respondent further draws the attention of this Court to the order dated 03.11.2025 passed in WPA 2178 of 2025, whereby a Co-ordinate Bench of this Court permitted the respondents to proceed with the matter, however, restrained them from passing the final order without obtaining the leave of this Court. Learned Senior Counsel for the respondent further states that the present petition is not maintainable.

8. Heard the learned Counsel appearing for the parties and perused the materials on record.
9. It is not in dispute that the issue relating to transfer of the jurisdiction under Section 127 of the said Act is pending adjudication before the Hon'ble Supreme Court in the Special Leave Petition preferred by the petitioner. It is also not in dispute that the Hon'ble Supreme Court

vide order dated 05.05.2025 observed that while the authority may proceed with the adjudication and even pass orders, such orders shall not be given final effect to until further orders from the Hon'ble Supreme Court. It further appears that a Co-ordinate Bench of this Court in WPA 2178 of 2025 vide its order dated 03.11.2025 has permitted the respondent authorities to proceed with the adjudication. However, specifically restrained from passing any final order without obtaining the leave of this Court. Upon a conjoint reading of the aforesaid orders, this Court is of the considered view that the direction passed by the Co-ordinate Bench operates at an interim stage and is required to be complied with in the first instance. In other words, the respondent authority is restrained from passing any final order without obtaining leave of this Court and only upon such leave being granted would the embargo imposed by the Hon'ble Supreme Court that the final order shall not be given effect to come into operation.

10. In that view of the matter, the respondent is not precluded from proceeding with the adjudication in terms of the liberty granted. However, the passing of the final order shall be subject to obtaining prior leave of this Court in strict compliance with the order of the Co-ordinate Bench.
11. It is made clear that even if such leave is granted and final order is passed, the same shall remain subject to the direction of the Hon'ble Supreme Court and shall not be given effect to until further orders in the pending Special Leave Petition.
12. In view of the aforesaid discussions, this Court is of the considered view that the interest of the petitioner stands adequately safeguarded by the orders passed by the Co-ordinate Bench of this Court as well as by the Hon'ble Supreme Court. The requirement of obtaining prior leave of this Court before passing any final order coupled with the direction of the Hon'ble Supreme Court that such order shall not be given effect to sufficiently protects the rights of the petitioner at this stage.

13. In such circumstances, no further protective order is warranted in the present proceeding.
14. Accordingly, the respondent authorities are permitted to proceed with the adjudication pursuant to the impugned show cause notice. However, no final order shall be passed without prior leave of this Court. If such leave is granted and a final order is passed, the same shall remain in abeyance and shall not be given effect to in terms of the order of the Hon'ble Supreme Court and shall abide by the outcome of the Special Leave Petition until further orders.
15. At this stage, learned Counsel for the respondent seeks and is granted four weeks time to file affidavit-in-opposition. Reply to the same, if any, be filed within two weeks thereafter.
16. List the matter after eight weeks before the next available Circuit Bench.

(Gaurang Kanth, J.)