K. Suri Babu v. Income Tax Officer, Ward 11, Hyderabad and others

W.P. 9483/2026

W.P. 9483/2026; order dated 1 April 2026 | 2026-04-01

Inter-partner dispute did not establish a statutory duty requiring the tax authorities to act on the managing partner's complaint.

Income-tax Act,1961: sections 140(cc)

High Court for the State of Telangana | 2-judge bench (Division Bench) | Chief Justice Aparesh Kumar Singh | Justice G.M. Mohiuddin

Assessment years: Not specified in order text

01 FACTS OF THE CASE

K. Suri Babu, managing partner of Ever Shine Constructions, sought action by tax officials against other partners because the firm had not filed regular returns. The petition also sought freezing of private respondents' accounts.

Source: PDF pp.1–4

02 DISCUSSION BY THE HON'BLE COURT

The partnership deed contained an arbitration clause. The Court noted that section 140(cc) authorised the managing partner to file returns and that returns apparently had not been filed since 2005-06. It characterised the complaint as a dispute between partners.

Source: PDF p.4

03 JUDICIAL DECISION

The Department had no statutory obligation to act upon the inter-partner dispute described. The petitioner therefore established no basis for mandamus alleging official inaction.

Source: PDF pp.4–5

04 OUTCOME / IN WHOSE FAVOUR

The writ petition was dismissed as misconceived without costs; pending applications were closed. Any proceedings for non-filing or tax evasion would require an explanation by the firm and partners, but were outside this petition.

Source: PDF pp.4–5

05 EXPERT COMMENTS

AKHB Expert Comments — editorial analysis, distinct from the Court's findings.

Identify the duty sought to be enforced: The failed mandamus claim depended on asking tax officials to resolve a dispute among partners. The arbitration clause and the managing partner's own authority under section 140(cc) reinforced the Court's distinction between private disagreement and a statutory departmental obligation. Repeated representations did not supply the missing duty. (PDF p.4)

Return compliance remains a separate responsibility: The reference to section 140(cc) explains why the internal disagreement did not establish the requested public-law remedy. The Court did not adjudicate any penalty, tax-evasion allegation or assessment. Its express reservation means the firm and partners must respond if the Department institutes proceedings; dismissal does not excuse non-filing. (PDF pp.4–5)

Relief requested was not relief granted: Freezing bank accounts appears in the application's prayer, not in the operative directions. No freezing order or direction to investigate the private respondents was issued. The reference to non-filing since 2005-06 is part of the factual account, not a determination of liability for a specified assessment year. (PDF pp.2, 4–5)

Source: PDF p.4

SOURCE & VERIFICATION

Original High Court judgment PDF — AKHB source repository

Complete 6-page original reviewed; source bytes verified.

Full original and all five panels re-reviewed on 21 October 2026.

Open cited source rendition

Complete original source and all five note panels checked; original docket identities preserved.

STATUTORY SCOPE

Current law and subsequent treatment not independently verified.

LATER TREATMENT

Source checked 2026-10-21. Subsequent proceedings and current judicial treatment have not been independently verified.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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