IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 19TH DAY OF SEPTEMBER 2013

BEFORE

THE HON'BLE MR.JUSTICE H.BILLAPPA

W.P.No.38337 /2013 (T-IT)

BETWEEN:

Sri.Jihveshwara Credit Cooperative
Society Ltd.
Represented by President S.S.Vishwanath,
No.125, Swakula Sali Sangha Building,
B.V.K. Iyengar Road Cross,
Bangalore 560 053. ...Petitioner

(By Sri.Ganesh.R.Ghale, Adv.,)

AND:

1. The Commissioner of Income-Tax (Appeals)-II,
   No.59, 4th Floor, HMT Bhavan, Ganganagar,
   Bellar Road, Bangalore 560 032.

2. Deputy Commissioner of Income Tax
   Circle-5(1),
   6th Floor, Unity Building, Annexe,
   Mission Road,
   Bangalore- 560 027. ...Respondents

(By Sri.K.V.Aravid, Adv., for R1 and R2)

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This Writ petition is filed under Articles 226 & 227 of Constitution of India, praying to direct in the nature of

mandamus or otherwise to the second respondent restraining him from taking any steps for recovery of the outstanding taxes as per Ann-A dated 23.11.2012

This Writ petition coming on for Orders this day, the Court made the following:-

O R D E R

Sri.K.V.Aravind, Advocate, Standing counsel for the respondents 1 and 2 has appeared. Therefore, it is not necessary to issue notice to the respondents 1 and 2.

2. The petitioner has preferred an appeal before the first respondent challenging the assessment order for the year 2010-11. The appeal is pending. Stay application is also pending. Instead of pursuing the matter before the first respondent, the petitioner has approached this court. Therefore, the writ petition cannot be entertained.

3. Accordingly, the writ petition is rejected. The petitioner can move the first respondent to consider the stay application. The first respondent is directed to consider the

stay application within three weeks from the date of receipt of a copy of this order and pass appropriate orders.

Sd/-
JUDGE

Hr