IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 19030 OF 2022 (T-IT)

BETWEEN:

KARAVALI CREDIT CO OPERATIVE SOCIETY LTD
NO.2-14-K1, ZEEZA KRIPA COMPLEX,
KALLIANPURA SANTHEKATTE,
UDUPI TALUK AND DISTRICT-576105
REP BY ITS C.E.O MR SHRIDHAR A SHETTY,
AGE 59 YEARS.

…PETITIONER

(BY SRI. MAHESH R UPPIN.,ADVOCATE)

AND:

1. COMMISSIONER OF INCOME TAX (APPEALS)
   NATIONAL FACELESS APPEAL CENTRE,
   ROOM NO.356, C R BUILDING, I P ESTATE,
   NEW DELHI-110 002.

2. ADDL.COMMISSIONER OF INCOME TAX
   NATIONAL FACELESS ASSESSMENT CENTRE,
   DELHI-110 002.

3. INCOME TAX OFFICER
   WARD 1 AND TPS, AAYAKAR BHAVAN,
   ADI-UDUPI MALPE ROAD,
   UDUPI-576 103.

…RESPONDENTS

(BY SRI. SUSHAL TIWARI., ADVOCATE)

THIS W.P IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PENALTY ORDER DT.29.03.2022 BEARING PAN NO.AACAK5792Q PASSED BY THE R2 MARKED AS ANNEXURE-G AND THE PENALTY DEMAND NOTICE DT.29.03.2022 BEARING PAN NO.AACAK5792Q ISSUED BY THE R2 MARKED AS ANNEXURE-H.

Digitally signed by VANDANA S
Location: HIGH COURT OF KARNATAKA

THIS PETITION, COMING ON FOR PRELIMINARYL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

In this petition, petitioner seeks for the following reliefs:

> *"a) ISSUE A WRIT in the nature of mandamus directing the Hon'ble Court of the VIII Addl. City Civil and Sessions Judge, Bengaluru (CCH15) to dispose of all pending applications and to dispose of the main suit in O.S.No.8065/2017 at the earliest and within an outer limit of 9 (nine) months from the date of disposal of the present Writ Petition; and*
>
> *b) PASS such other orders as this Hon'ble Court deems fit and proper in the circumstances of the case."*

2. Heard learned counsel for he petitioner and learned counsel for he respondents and perused the material on record.

3. Learned counsel for the petitioner submits that the issue in controversy between the parties is covered by judgment of this Court in the case of ***Kodavoor Vyavasaya Seva Sahakari Sangha Ltd., v/s Commissioner of Income Tax and others*** in WP.No.18438/2022 dated 15.03.2023.

4. The said submission is placed on record.

5. Learned counsel for the respondents does not dispute that the issue is covered by the aforesaid judgment in ***Kodavoor***

Vyavasaya Seva Sahakari Sangha Ltd., v/s Commissioner of Income Tax and others.

6. In view of the facts and circumstances, the present petition is also deserves to be allowed in part reserving liberty in favour of the respondents to pass necessary orders after disposal of the pending appeal preferred by the petitioner.

7. In the result, I pass the following:

ORDER

(i) Petition is hereby allowed and disposed of in terms of WP.No.18438/2022 – ***Kodavoor Vyavasaya Seva Sahakari Sangha Ltd., v/s Commissioner of Income Tax and others.***

(ii) The impugned penalty order at Annexure – G and demand notice at Annexure – H both dated 29.03.2022, are hereby quashed.

(iii) Liberty is reserved in favour of respondents to take necessary steps and pass appropriate orders in accordance with law after disposal of the appeal preferred by the petitioner.

Sd/-
JUDGE

DHA
List No.: 2 Sl No.: 30