IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

AND
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 2437 of 2005

Between:

M/s. M.A. Jabbar & Company, Rep. by its Partner, Mohd. Abdul Ravoof, s/o. Late M.A. Jabbar, age 36 Years, R/o. 12-2-831/1, Flat No. 402, Peace Plaza, Mehdipatnam, Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Income Tax (VI), Gagan Vihar, Hyderabad.
2 The Income Tax Officer, Ward-7 (1), Gagan Vihar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or direction more particularly one in the nature of Writ of Mandamus directing the 1st respondent to issue necessary orders permitting the petitioner to pay the tax under kar Vivad Samidhan Scheme, 1998 (KVSS) and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.DANTU.SRINIVAS

Counsel for the Respondent No.: MR.B.NARASIMHA SARMA (N.A.)

The Court made the following :

ORDER: (Per MHSA,J)

Having heard the learned counsel for the petitioner, we are of the view that without going into the merits of the contentions raised, the writ petition is liable to be dismissed on the ground of delay and laches.

It is seen from the Annexure at page 22 being a letter addressed to the petitioner by the Income Tax Officer dated 16.11.2001 that the application filed by the petitioner under Kar Vivad Samadhan Scheme has been rejected. It is further stated that the rejection was already intimated to the petitioner vide letter dated 05.01.2000. It is further stated that a copy of the said rejection letter is enclosed.

Reckoned from that date viz. 16.11.2001, the writ petition filed in this case in 2005, in our view, suffers from delay and laches. In the affidavit filed in support of the instant writ petition, no explanation has been offered for the inordinate delay in filing the writ petition against the order of rejection passed as far as

back in the year 2000 and even if we accept that the same came to the knowledge of the petitioner only on 16.11.2001, the writ petition suffers from delay and laches. On this short ground, the writ petition is dismissed at the stage of admission.

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M.H.S.ANSARI, J.

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T.CH.SURYA RAO, J.

22ND FEBRUARY, 2005.

VGSR.

To

1 The Commissioner of Income Tax (VI), Gagan Vihar, Hyderabad.
2 The Income Tax Officer, Ward-7 (1), Gagan Vihar, Hyderabad.

3 2 CD copies.

4 1 CC to Mr.Dantu Srinivas, Advocate (OPUC).

5 1 CC to MR.B.Narasimha Sarma, Advocate (OPUC).