HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY ,THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT PETITION NO: 2175 OF 2025

Between:

M/s. Invecas Technologies Private Limited, 12th Floor, AYDIV IT Park, Sy No. 319 and 337 Partly Puppalaguda Village, Rangareddy Dist., Hyderabad-500032 Rep. by its authorised representative, Ramesh Babu Kollipara, S/O. K Pulla Rao, aged about 43 years, R/o. Flat No. A614, Kalpataru Residency, H. No. 8-4-300/1/A, Sy. No. 78, Ashok Marg, Prem Nagar, Fatehnagar Village, Sanathanagar, Hyderabad, Telangana - 500018

...PETITIONER

AND

1. Deputy Commissioner of Income Tax, Circle 2(1), Room NO.514,5th Floor, Signature Towers, Sy.No.6(P) of Kondapur, Sy.37(P) of Kothaguda, Opp. Botanical Gardens, Serlingampally (M), R,R.District, HYDERABAD, Telangana, 500084
2. Principal Commissioner of Income tax - 2, 6th Floor, A Block, I.T. Towers, Masab Tank, Hyderabad -500004
3. Branch Manager/Principal Officer, HDFC Bank, (HDFC0003817) Plot No. 265J1 Road No. 10 , Jubilee Hills, Hyderabad-500033

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly issue a writ in the nature in of Mandamus declaring and directing - i. The Respondents to release the Bank Account (HDFC0003817) and refund Rs. 2,50,00,000/- along with upto date interest and/or also release any further sums illegally recovered by the Respondents. ii. Setting-aside the stay rejection order dated 21.01.2025 as the same illegal and without jurisdiction and directing the Respondents to re-adjudicate the stay application in accordance with law and also adjudicate all pending rectifications pending adjudication qua the 3 AYs in question (AY 2020-21, AY 2021-22 and AY 2022-23). iii. The Respondents to grant a stay of

demand and not proceed with any recovery unless al rectification and stay applications are duly adjudicated upon. iv. For such further and other reliefs, including costs of this Petition, as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case v.Award the costs of this Writ Petition in favour of the Petitioner and against Respondents.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to grant/issue refund of Rs. 2,50,00,000/-and/or any such amount illegally recovered from the Bank Account in the interest of justice

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to release the Bank Account which has been illegally attached in the interest of justice

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the operation of the order dated 21.01.2025 issued by the Respondent and stay the proceedings thereof

Counsel for the Petitioner: Ms. ANANAYA KAPOOR REP SRI. T. PRADYOTH

Counsel for the Respondent Nos. 1&2: Ms. J. SUNITHA JUNIOR SC REP SRI P. MURALI KRISHNA SENIOR SC FOR INCOME TAX

Counsel for the Respondent No.3: --

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT JUSTICE RENUKA YARA

WRIT PETITION No.2175 OF 2025

ORDER: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Ms.Ananya Kapoor, learned counsel appears for Sri T.Pradyoth, learned counsel for the petitioners and Ms.J.Sunitha, learned Junior Standing Counsel for Income Tax representing Sri P.Murali Krishna, learned Senior Standing Counsel for Income Tax, for respondent Nos.1 and 2.

2. With the consent, finally heard.

3. During the course of hearing, learned counsel for the parties reached to a consensus. It is agreed that since the stay rejection order dated 21.01.2025 (Annexure P.7) is not a reasoned one, it can be set aside and the stay application may be restored to the file of the appellate authority. It is also agreed that the order dated 22.01.2025 (Annexure P.8) and bank attachment notice dated 03.01.2025 (received by HDFC Bank on 10.01.2025) (Annexure P.1) may be set aside by reserving liberty to the appellate authority to pass an appropriate order after deciding the stay application. It is further agreed that the directions may be

issued to the appellate authority to decide all rectification applications expeditiously.

4. In view of consensus arrived at, the impugned stay rejection order dated 21.01.2025, order dated 22.01.2025 and bank attachment notice dated 03.01.2025 (Annexures P.7.P.8 and P.1) are set aside with the liberty prayed for by the Revenue. The appellate authority shall make an endeavour to decide all rectification applications expeditiously.

5. Accordingly, the Writ Petition is **disposed of**, without expressing any opinion on the merits of the case. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Deputy Commissioner of Income Tax, Circle 2(1), Room NO.514,5th Floor, Signature Towers, Sy.No.6(P) of Kondapur, Sy.37(P) of Kothaguda, Opp. Botanical Gardens, Serlingampally (M), R,R.District, HYDERABAD, Telangana, 500084
2. The Principal Commissioner of Income tax - 2, 6th Floor, A Block, I.T. Towers, Masab Tank, Hyderabad -500004
3. The Branch Manager/Principal Officer, HDFC Bank, (HDFC0003817) Plot No. 265J1 Road No. 10 , Jubilee Hills, Hyderabad-500033
4. One CC to SRI. T. PRADYOTH, Advocate [OPUC]
5. One CC to SRI. J. V. PRASAD (Sr. SC FOR INCOME TAX) [OPUC]
6. One CC to SRI. SRI P. MURALI KRISHNA SENIOR SC FOR INCOME TAX[OPUC]
7. Two CD Copies

B M
GJP

HIGH COURT

DATED:27/01/2025

ORDER

WP.No.2175 of 2025



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

8 copies
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20/2/25