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

MONDAY,THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 27500 OF 2025

Between:

1. Sanjay Kumar Agarwal, S/o. Balkishan Agarwal, Aged about 46 years, R/o. C-1, Mayur Kushal Complex, Abids, Hyderabad - 500 001.
2. M/s. Ghanshyamdas Gems and Jewels, C-1, Mayur Kushal Complex, Abids, Hyderabad - 500001., Rep. by its Managing Partner, Sanjay Kumar Agarwal, S/o. Balkishan Agarwal, Aged about 46 years.

...PETITIONERS

AND

1. Union of India, Ministry of Finance, Rep. by its Secretary, North Block, New Delhi.
2. The Chief Commissioner of Income Tax, Aayakar Bhavan, Basheerbagh, Hyderabad.
3. The Deputy Commissioner of Income Tax, Office of the Deputy Director of Income Tax Investigation, Benami Prohibition Unit. Aayakar Bhavan, Basheerbagh. Hyderabad.

...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 of Mandamus or any other appropriate Writ, Order or Orders. Direction or Directions to declare the action of the 3rd Respondents in issuing the DIN and Notice No. ITBA/BNM/ S/19/2025-26/1077906083(1), dt.27.06.2025, and the DIN and Notice No. ITBA/BNM/S/19/2025-26/1077905831(1), dt.27.06.2025 to the Petitioners in connection with an undisclosed ongoing enquiry, as arbitrary, unreasonable and unconstitutional and also set aside the DIN and Notice No. ITBA/BNM/S/19/2025-26/1077906083(1), dt.27.06.2025 and the DIN and Notice No. ITBA/BNM/S/19/2025-26/1077905831(1), dt.27.06.2025 and all consequential

proceedings issued by the 3rd Respondent under Prohibition of Benami Property Transactions Act, 1988, to the Petitioner's as illegal, unreasonable and not maintainable under law and issue a consequential direction to the Respondents to act in accordance with law.

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 3rd Respondent not to proceed against the Petitioners in pursuance to the Notice, dt.27.06.2025 issued under Prohibition of Benami Property Transactions Act, 1988, pending disposal of the Writ Petition.

Counsel for the Petitioner No.1: SRI. SANJAY KUMAR AGARWAL,
PARTY-IN-PERSON

Counsel for the Respondent No. 1: SRI B. MUKHERJEE,
DY. SOLICITOR GERNERAL OF INDIA

Counsel for the Respondent Nos. 2&3: SRI N. PRAVEEN REDDY,
SENIOR SC FOR INCOME TAX DEPARTMENT

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.27500 of 2025

ORDER:

Petitioner No.1 - Sri Sanjay Kumar Agarwal, appears as party-in-person.

Learned counsel Sri B.Mukherjee appears for respondent No.1.

Sri N.Praveen Reddy, learned Senior Standing Counsel for Income Tax Department, appears for respondents No.2 and 3.

2. The writ petition has been preferred for the following relief:

> "For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to declare the action of the 3rd Respondent in issuing the DIN and Notice No: ITBA/BNM/S/19/2025-26/1077906083(1) dt. 27.06.2025, and the DIN and Notice No: ITBA/BNM/S/19/2025-26/1077905831(1) dt.27.06.2025 to the Petitioners in connection with an undisclosed ongoing

enquiry, as arbitrary, unreasonable and unconstitutional and also set aside the DIN and Notice No: ITBA/BNM/S/19/2025-26/1077906083(1) dt.27.06.2025 and the DIN and Notice No:ITBA/ BNM/S/19./2025-26/1077905831(1) dt.27.06.2025 and all consequential proceedings issued by the 3rd Respondent under Prohibition of Benami Property Transactions Act, 1988; to the Petitioners as illegal, unreasonable and not maintainable under law and issue a consequential direction to the Respondents to act in accordance with law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. The party-in-person, after arguing for some time, seeks permission of this Court to withdraw the writ petition with liberty to the petitioners to appear before the Deputy Director, Income Tax, Investigation, pursuant to the impugned notices.

4. Learned counsel for the respondents report no objection.

5. Accordingly, the writ petition is dismissed as withdrawn with the aforesaid liberty. It is made clear that this Court has not expressed any opinion on the merits of the case. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- M. NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. SANJAY KUMAR AGARWAL, Advocate [OPUC]
2. One CC to SRI. B. MUKHERJEE, DY. SOLICITOR GENERAL OF INDIA [OPUC]
3. One CC to SRI. N. PRAVEEN REDDY, SENIOR SC FOR INCOME TAX DEPARMENT [OPUC]
4. Two CD Copies

B M
GJR

HIGH COURT

DATED:15/09/2025



ORDER

WP.No.27500 of 2025

DISMISSING THE WRIT PETITION AS WITHDRAWN WITHOUT COSTS

(6)
16/10/25