

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE N.NAGARESH  
FRIDAY, THE 24TH DAY OF APRIL 2020 / 4TH VAISAKHA, 1942  
WP(C) NO. 8790 OF 2020**

**Petitioner:-**

The Parathode Service Co-operative Bank Ltd. No. 3002  
Parathode P.O, Kottayam District - 686 512  
Represented by its Secretary

By Advs.

Sri. Shaji Thomas  
Sri. Jen Jaison

**Respondents:-**

1. The Central Board of Direct Taxes  
Department of Revenue, Ministry of Finance,  
Government of India, North Block New Delhi-110001  
Represented by its Chairman
2. Income Tax Officer, Ward 3, Income Tax Office,  
Public Library Building, Shastri Road,  
Kottayam - 686 001
3. Commissioner of Income Tax (Appeals)  
Kottayam - 686 001

By

Standing Counsel Sri. Christopher Abraham, Income Tax

This writ petition having come up for admission on 24.04.2020, the court on the same day passed the following:

**JUDGMENT**

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***Dated this the 24<sup>th</sup> day of April, 2020***

Standing Counsel for Income Tax takes notice for respondents 1 to 3.

2. Petitioner is an income tax assessee. The assessment year in question is 2017-'18. By Ext.P1, the 2<sup>nd</sup> respondent disallowed petitioner's claim for deduction under Section 80-P of the Income Tax Act and demanded ₹1,93,16,165/- as tax. The petitioner filed Ext.P3 appeal contending that reasoning given in Ext.P1 is untenable. Pending the appeal, the 2<sup>nd</sup> respondent initiated coercive proceedings.

3. Heard learned counsel for the petitioner and learned Standing Counsel for Income Tax.

4. If the respondents proceed with coercive steps pending consideration of statutory appeal, the statutory

remedy available to the petitioner will be negated and the petitioner is likely to be put to difficulties.

In the circumstances, the writ petition is disposed of directing the respondents not to proceed with coercive steps against the petitioner pending disposal of Ext.P3 appeal. Ext.P3 appeal and Ext.P4 stay petition shall be considered and disposed of by the 3<sup>rd</sup> respondent within a period of six months, without insisting on payment of 20% of the demanded tax.

**N. NAGARESH, JUDGE**

aks/24.04.2020

**Appendix**

**Petitioner's Exhibits:**

- Exhibit P1: True photo copy of the Assessment Order No.ITBA/AST/S/143(3)/2019-20/1022561801(1) dated 17.12.2019 for the year 2017-18 issued by the 2nd respondent
- Exhibit P2: True photocopy of the demand notice No. ITBA/AST/S/156/2019-20/1022561958(1) dated 17.12.2019 issued by the 2<sup>nd</sup> respondent
- Exhibit P3: True photocopy of the Appeal dated 16.01.2020 filed for the year 2017-18 before the 3<sup>rd</sup> respondent
- Exhibit P4: True photocopy of the application for stay dated 06.02.2020 filed by the petitioner
- Exhibit P5: True photocopy of the letter dated 07.02.2020 issued by the 2<sup>nd</sup> respondent