

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH.P.

WEDNESDAY, THE 15TH DAY OF MAY, 2020/25TH VAISAKHA, 1942

W.P(C) NO. 9918 OF 2020

PETITIONER:

THE KOTTAYAM DISTRICT POSTAL, TELECOM AND BSNL
EMPLOYEES CO OP BANK LTD. K 343,
KOTTAYAM, REPRESENTED BY ITS SECRETARY.

BY ADV.

RESPONDENTS:

1. THE UNION OF INDIA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, MINISTRY OF FINANCE,
NORTH BLOCK, RAISANA HILL, NEW DELHI - 110001
2. THE COMMISSIONER OF INCOME TAX (TDS),
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
ERNAKULAM., PIN -682 018.
3. THE COMMISSIONER OF INCOME TAX (TDS),
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
ERNAKULAM., PIN -682 018.
4. THE INCOME TAX OFFICER, (TDS),
PUBLIC LIBRARY BUILDING, LAL BAHADUR SASTRI
ROAD, KOTTAYAM - 686 001
5. THE KOTTAYAM CO-OPERATIVE URBAN BANK,
REPRESENTED BY ITS GENERAL MANGER,
THIRUNAKKARA, KOTTAYAM, PIN 686 001.

BY

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 15.05.2020,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Dated this the 15th day of May, 2020

ORDER

Admit. Asst. Solicitor General takes notice for respondent No.1. Standing Counsel takes notice for respondents 2, 3 and 4. Petitioner undertakes to serve copy of the writ petition to the Standing Counsel appearing for the 5th respondent.

2. This Writ Petition has been filed challenging the action on the Income Tax Department on insisting upon deduction of TDS on cash withdrawal. Large number of writ petitions are admitted by this Court and interim orders has been granted staying the proposal to recover any tax at source on cash withdrawals. The learned counsel for the petitioner submits that a portion of the amount has already been recovered and states that further recovery may be kept in abeyance. Considering the facts and circumstances, I direct that the respondents shall not affect any further recovery of any amount towards

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TDS u/s.194N of the Income Tax Act pending disposal
of this writ petition.

Post on 27.5.2020

GOPINATH.P, JUDGE

pm

APPENDIX

PETITIONERS EXHIBITS:

EXT. P1- TRUE COPY OF THE PROCEEDING 25.10.2019
ISSUED BY THE 5TH RESPONDENT.

EXT. P2- TRUE COPY OF THE REPLY DATED 28.10.2019
ISSUED
BY THE PETITIONER TO THE 5TH RESPONDENT.