

INCOME TAX-I : The Madras High Court has quashed the writ-petition filed by the assessee-Karti P.Chidambaram against the Show Cause Notice (SCN) issued under section 153C by the Assessing Officer. The Court held that a writ may be entertained if the SCN was issued without jurisdiction or on malafide grounds. In the given case, no malafide or lack of jurisdiction was identified or established by the assessee, and thus, the point raised in this regard stands rejected

INCOME TAX-II : The scope of judicial review under Article 226 of the Constitution of India is to scrutinize the processes and procedures through which a decision is arrived in consonance with the provisions of the Statutes by the competent authority, but not the decision itself. The authority competent must be allowed to scrutinize the searched and impounded materials and provide an opportunity to the assessee to defend his case. Such an adjudicatory process alone would provide justice to the parties to the *lis*.

INCOME TAX-III : It was for the assessee to defend his case before the competent authority by submitting the documents and evidence and establish his case both based on the provisions of the Act and facts. At the stage of Show Cause Notice (SCN), High Court would not enter into the venture of conducting an adjudication of disputed facts. It is the duty of the fact-finding authority to adjudicate the facts and arrive at a conclusion. Thus, the ground of legal malice was not established by the petitioners, to set aside the SCN

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[2021] 128 taxmann.com 116 (Madras)

HIGH COURT OF MADRAS

Karti P. Chidambaram

v.

Principal Director of Income Tax (Investigation), Unit 3(2), Chennai

S.M. SUBRAMANIAM, J.

**W.P.NOS.16686, 16758, 16689, 16692, 16693, 16695, 16698, 16710,
16716, 16719, 16760 AND 16764 OF 2020**

**AND W.M.P.NOS.20690, 20691, 20730, 20733,
20774, 20775, 20701, 20703, 20713, 20721, 20728,
20693, 20685, 20694, 20695, 20737, 20768,**

20770, 20771, 20772, 20687, 20696, 20698 & 20699 OF 2020

JULY 5, 2021

Abhishek Singhvi, K.V. Viswanathan, Sr. Counsel, N.R.R. Arun Natarajan, Amit Bhandari, R.V. Easwar, Ms. Rubal Bansal, A.R.L. Sundaresan and Ms. C. Uma for the Petitioner. R. Sankaranayanan, A.P. Srinivas and A.N.R. Jayaprakash for the Respondent.

ORDER