

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN
WRIT PETITION NO: 5539 OF 2026**

Between:

Tricolour Properties Private Limited, A Private Limited Company incorporated under Companies Act, 1956 D.No.6-3-251/4, Balapura, Road no. 1, Banjara Hills behind GVK mall, Khairatabad, Hyderabad, Telangana- 500034
Represented by its Director Mr. Chandan Kumar Jha

Petitioner

AND

1. Assistant Commissioner of Income Tax,, Central Circle - 3(1) Aayakar Bhavan, Basheerbagh, Hyderabad, Telangana - 500004
2. National Faceless Assessment Centre, Room No. 402, 4th Floor, Mayur Bhawan, Connaught Lane Connaught Place, New Delhi - 110001
3. Commissioner Of Income Tax (Appeals),, Hyderabad- 11 5th Floor, D-Block, IT Towers, 10-2-3, AC Guards, Hyderabad, Telangana 500004
4. Central Board of Direct Taxes, Rep by Secretary, Central Secretariat, North Block, New Delhi - 110001
5. Union of India, Rep by Secretary, Ministry of Finance, North Block, New Delhi - 110001
6. Joint Commissioner of Income Tax,, Central Range - 3 Aayakar Bhavan, Basheerbagh,,Hyderabad, Telangana - 500004

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 Writ of Certiorari or any other appropriate writ or direction to set aside the: (a) Digitally Signed Show Cause Notice u/s. 274 r.w.s. 271DA bearing DIN and Notice No. ITBA/PNL/S/271DA/2024-25 1070830541(1) dated 03/12/2024 passed by Respondent No. 6 in Exhibit P2. (b) Digitally Signed Penalty Order u/s. 271DA of the Act bearing DIN ITBA/PNL/F/271DA/2025-26/ 1077153918(1) dated 18/06/2025 passed by Respondent No. 1 in Exhibit P3. (c) Digitally Signed Ex-parte Appeal Order u/s. 250 bearing DIN and Order No. ITBA/APL/S/250/2025-26/1083035966(1) dated 26/11/2025 passed by Respondent No. 1 in Exhibit P4. and all other consequential actions, penal and recovery proceedings for being illegal, arbitrary, unlawful and violative of the provisions of the Income-tax Act, 1961 and Articles 14 and 19(1)(g) of the Constitution of India.

IA NO: 1 OF 2026:

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 and all recovery and penal proceedings in pursuance of the Digitally Signed Show Cause Notice u/s. 274 r.w.s. 271DA bearing DIN and Notice No. ITBA/PNL/S/271DA/2024-25/1070830541(1) dated 03.12.2024 passed by Respondent No. 6 in Exhibit P2. Digitally Signed Penalty Order u/s. 271 DA of the Act bearing DIN ITBA/PNL/F/271DA/2025-26/1077153918(1) dated 18.06.2025 passed by Respondent No. 1 in Exhibit P3. Digitally Signed Ex-parte Appeal Order u/s. 250 bearing DIN and Order No. 1TBA/APL/S/250/2025-26/1083035966(1) dated 26.11.2025 passed by Respondent No. 1 in Exhibit P4 and pass any such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case, as the Petitioner, being fastened with huge additions to its returned income as a result of the Impugned Assessment Order and Impugned Appellate Order, both of which suffer from various legal and factual infirmities, would suffer irreparable hardship if coercive recovery is continued, whereas no prejudice will be caused to the Revenue if recovery is stayed during the pendency of this Writ Petition., Pending disposal of WP 5539 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI SANTOSH SAGAR KAPILAVAI Advocate for the Petitioner, SRI N PRAVEEN REDDY (SENIOR SC FOR IT DEPT Advocate for the Respondents, the Court made the following;

ORDER:

Learned counsel Sri Santosh Sagar Kapilavai appears for the petitioner.

Sri N.Praveen Reddy, learned Senior Standing Counsel, appears for Income Tax Department.

At the request of learned counsel for the parties, list this case on 26.02.2026.

In the meantime, all further proceedings pursuant to the impugned orders/impugned notices shall remain stayed.

**SD/-P.PONNA KISHNA
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. Assistant Commissioner of Income Tax,, Central Circle - 3(1) Aayakar Bhavan, Basheerbagh, Hyderabad, Telangana - 500004
2. National Faceless Assessment Centre, Room No. 402, 4th Floor, Mayur Bhawan, Connaught Lane Connaught Place, New Delhi - 110001
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6. Joint Commissioner of Income Tax,, Central Range - 3 Aayakar Bhavan, Basheerbagh,,Hyderabad, Telangana - 500004
(Addresses 1 to 6 by SPAD)
7. One CC to SRI. SANTOSH SAGAR KAPILAVAI Advocate [OPUC]
8. One CC to SRI. N PRAVEEN REDDY (SENIOR SC FOR IT DEPT Advocate [OPUC]
9. Two spare copies

HIGH COURT

HC,J
&
GMM,J

DATED: 24/02/2026

LIST ON 26.02.2026

ORDER
WP.No.5539 of 2026

STAY

