

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

**WEDNESDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

WRIT PETITION NO: 5720 OF 2023

Between:

Darshana Rajesh Kadakia, W/o. Rajesh Kadakia, Aged 66 Years, Occ.Housewife,
R/o. 5-2-223, Gokul, 3rd Floor, Opp. Andhra Bank, Distillery Road, Hyderabad -
500003, Telangana.

...PETITIONER

AND

1. The Commissioner, Income Tax Department, Circle-10(1), IT Towers, AC Guards, Masab Tank, Hyderabad - 500004.
2. The Additional Commissioner, Income Tax Department, Circle-10(1), IT Towers, AC Guards, Masab Tank, Hyderabad - 500004.
3. The Income Tax Officer, I.T. Towers, Ward 10(1), A.C. Guards, 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 or order or direction declaring the inaction of the Respondents in processing the refund order manually as the Income Tax portal does not reflect the Refund Assessment Year 2020-2021 in its portal disabling the petitioner from raising refund / re-issue request and consequently direct the Respondents to process the refund order of the Petitioner manually and issue refund along with interest.

IA NO: 1 OF 2023

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 Respondents herein to consider the representation of the Petitioner dated 06.01.2023 and refund the amount of Rs.47,25,500/- along with interest to the Petitioner.

Counsel for the Petitioner : SRI PERI PRABHAKAR

Counsel for the Respondents: SRI J.V.PRASAD, SC FOR IT

The Court made the following: ORDER

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY**

Writ Petition No.5720 of 2023

ORDER: (per Hon'ble Sri Justice P.SAM KOSHY)

When the matter is taken up for hearing, learned counsel for the petitioner submitted that the cause in the writ petition no longer survives for adjudication and hence the same may be dismissed as infructuous.

2. In view of above submission, the writ petition is dismissed as infructuous. No costs.

3. Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

GB
SECTION OFFICER

To,

1. One CC to SRI PERI PRABHAKAR, Advocate. [OPUC]
2. One CC to SRI J.V.PRASAD, SC for Income Tax Department. [OPUC]
3. Two CD Copies.

BSK

GJP

AHVS

HIGH COURT

DATED:01/11/2023



ORDER

WP.No.5720 of 2023

**DISMISSING THE WRIT PETITION
AS INFRACTUOUS
WITHOUT COSTS**

5
16/11/23
HVS