Acknowledgement Number : 389113601030624

e-Proceedings Response Acknowledgement	
INCOME TAX DEPARTMENT	
PROCEEDING DETAILS	
PAN/TAN	AAGFV2068P
Name	VISTA HOMES
Financial Year	2017-18
Assessment Year	2018-19
Proceeding Name	Issue Letter
Notice/Communication Reference ID	100080161979
Notice Section	
Description	[ITBA]Issue Letter
Notice Issue Date	29-May-2024
Due Date for Submission	
Communication Sent date	
Document Reference ID	ITBA/RCV/F/17/2024-25/1065206331(1)
RESPONSE SUBMITTED	
Remarks	Respected Sir, In connection with the above letter for recovery of demand raised vide order u/s 270A of the Income tax Act, 1961 for Assessment Year 2018-19, the following is submitted for your kind consideration.
Hash * Value Of Remarks	6325a41ec0151928fddf977a134e1665f2d83c17968b43b512b676c225a82bc6

Sl No	Attachment Name	Description	Size(bytes)	Hash * value of Attachment
1	Vista Homes Demand recovery notice reply dt.01-06-23.pdf	Reply	60469	37bb9cf8cc7ded14a7309378b6a5e312b9e8b24955a6757c374e7d07922ba5e2
2	Annexure 1 - Stay order-Vista Homes.pdf	Annexure 1 - Stay Order	564066	784a5b1b13955279a072caad7cab1be305c3f09bceeade44d8767a3beb431247

This is a system generated acknowledgement and does not require signature

* Hash : This value will uniquely identify the uploaded files and remarks.

o/c

Date: 01/06/2024

From
Vista Homes
5-4-187/3&4,
Soham Mansion, 2nd Floor
MG Road, Ranigunj
Secunderabad – 500003

पावती सं/Ack.No.	643612410015
दिनांक /Date	03-June-2024
वर्ष /AY/FY	2024-25
पैन/टैन /PAN/TAN	AAGFV2068P
नाम /Name	VISTA HOMES
No.of Pages	
आ.अ./To	CIRCLE 6(1),HYDERABAD

To
The Asst. Commissioner of Income Tax
Circle 6(1), Hyderabad
I T Towers, A C Guards, Masab Tank
Hyderabad

Respected Sir,

Sub: Reply to Letter for recovery of Demand– Own case – PAN-AAGFV2068P -Assessment Year 2018-19 – Reg.

Ref: Issue Letter dated 29/05/2024 vide DIN: ITBA/RCV/F/17/2024-25/1065206331(1)

In connection with the above letter for recovery of demand raised vide order u/s 270A of the Income tax Act, 1961 for Assessment Year 2018-19, the following is submitted for your kind consideration.

1. The scrutiny assessment is completed u/s.143(3) vide Order dated 22-07-2021. The income assessed is Rs.3,91,68,318/- as against the income returned of Rs.71,49,954/-. The assessment has resulted in an addition of Rs.3,20,18,364/-. Penalty proceedings u/s 270A of the Income Tax Act, 1961 for under reporting of income which is in consequence of misreporting thereof of the income were also initiated.

2. The Penalty proceedings u/s.270A is completed on 29/03/2022 imposing a penalty of Rs. 2,92,16,036/- u/s 270A of the Income Tax Act of 1961 for under reporting of income which is in consequence of misreporting.

3. The firm being aggrieved with the said penalty order has filed a Writ Petition in the Honourable High Court for the State of Telangana vide Writ Petition No: 18549 of 2022. The Honourable High Court has directed that the respondents i.e. the Income Tax Department *"shall not take further steps pursuant to the impugned order of penalty dated 29.03.2022."* Copy of the order is attached as ***Annexure 1***.

4. In light of the above order of the Honourable High Court we request your good selves to keep the recovery proceedings in abeyance till the matter is disposed. We further please that the firm should not be treated as "assessee in default".

Yours faithfully,

For VISTA HOMES,

A. Sambasiva Rao

Authorized Signatory

[3261]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE THIRTEENTH DAY OF APRIL TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE UJJAL BHUYAN

AND

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 18549 OF 2022

Between:

Vista Homes, 5-4-187/3 and 4, 2nd Floor, Soham Mansion, M.G. Road, Secunderabad 5000003, Telangana, represented by its Managing Partner Sri Soham Satish Modi, S/o. Late Satish Modi,aged about 53 years, R/o. Plot No. 280,Road No. 25, Jubilee Hills, Hyderabad.

Petitioner

AND

1. Union of India, represented by its Secretary, Department of Revenue,Ministry of Finance, North Block, New Delhi -110001.
2. Additional/Joint/Deputy/ Assistant Commissioner of Income Tax/ Income Tax Officer,, National Faceless Assessment Centre, New- Delhi.

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, direction or order more particularly in the nature of a writ of mandamus declaring the penalty order bearing DIN No. ITBA/PNL/F/270A/2021-22/1041977416(1) dated 29/03/2022 passed by Respondent No. 2 u/s. 270A of the Income Tax Act, 1961 for the Assessment Year 2018-19 as being void, illegal, arbitrary, violative of Article 14 of the Constitution of India and violative of principles of natural justice and consequently set aside the same;

IA NO: 1 OF 2022:

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 all further proceedings including collection of tax pursuant to the penalty order bearing DIN No. ITBA/PNL/F/270A/2021-22/1041977416(1) dated 29/03/2022 passed by Respondent No. 2 for the Assessment Year 2018-19, pending disposal of WP 18549 of 2022, 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 S Ravi, Senior Counsel for M/s R.S. ASSOCIATES Advocate for the Petitioner and SriK Raji Reddy (S.C.) for the Respondents, the Court made the following.

ORDER:

Heard Mr. S.Ravi, learned Senior Counsel for the petitioner and Mr. K.Raji Reddy, learned Standing Counsel for Income Tax Department for the respondents.

Challenge made in this writ petition is to the order dated 29.03.2022 whereby and whereunder, 2nd respondent has imposed penalty of Rs.2.92 crores on the petitioner under Section 270A of the Income Tax Act, 1961.

A perusal of the impugned order would *prima facie* go to show that the same is devoid of reasons.

At this stage, learned Standing Counsel prays for time to obtain instructions.

Let him obtain the instructions on 21.04.2022.

In the meanwhile, respondents shall not take further steps pursuant to the impugned order of penalty dated 29.03.2022.

List on 21.04.2022.

Sd/- G.SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

2022

To,

1. The Secretary, Department of Revenue,Ministry of Finance, Union of India, North Block, New Delhi -110001.
2. The Additional/Joint/Deputy/ Assistant Commissioner of Income Tax/ Income Tax Officer,, National Faceless Assessment Centre, New- Delhi (1 & 2 by RPAD)
3. One CC to M/s R.S. ASSOCIATES Advocate [OPUC]
4. Two spare copies

HIGH COURT

UBJ & SNJ

DATED:13/04/2022

POST ON 21-04-2022

ORDER

WP.No.18549 OF 2022

DIRECTION