[3488]

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

THURSDAY, THE FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 6546 OF 2026

Between:

M/s Sri Siva Rama Trust (a Private Discretionary Trust), 3-6-288/3/502, Siva Rama Towers, Himayathnagar, Hyderguda, Hyderabad - 500 029, Telangana.

...PETITIONER

AND

1. The Centralised Processing Center, Income Tax Department, Bengaluru, 1st Floor, Prestige Alpha No. 48/1, 48/2, Beratenaagrahara Begur, Hosur Road, Uttarahalli Hobli, Bengaluru - 560 100, Karnataka.
2. The Income Tax Officer, Ward 4(1), Hyderabad, IT Towers, AC Guards, Masab Tank, Hyderabad - 500 004, Telangana.
3. The Principal Commissioner of Income Tax - 1, Hyderabad, IT Towers, AC Guards, Masab Tank, Hyderabad - 500 004, Telangana.
4. The Central Board of Direct Taxes, Represented by its Chairman, Department of Revenue, Ministry of Finance, Government of India, Secretariat Buildings, New Delhi - 110 001.

...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, Order or Direction, declaring the intimation issued by the 1st Respondent, u/s 143(1) of the Income Tax Act. 1961, dated 06.02.2026, bearing DIN. CPC/2526/A5/639115621, for the Assessment Year 2024 - 25, as arbitrary, mechanical, illegal, bad in law. violative of the principles of natural justice apart from being violative of Articles 14, 19(1)(g) and 265 of the Constitution of India and the Income Tax Act. 1961, and consequently set aside the same in the interests of justice.

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 all further proceedings, including any recovery, pursuant to the intimation issued by the 1st Respondent, u/s 143(1) of the Income Tax Act, 1961, dated 06.02.2026, bearing DIN. CPC/2526/A5/639115621 for the Assessment Year 2024 - 25, passed by the 1st Respondent, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI A.V.A.SIVA KARTIKEYA
Counsel for the Respondents: Ms. BOKARO SAPNA REDDY, SENIOR SC INCOME TAX

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.6546 of 2026

Dated: 05.03.2026

Between:

M/s. Sri Siva Rama Trust (a Private Discretionary Trust)

...Petitioner

and

The Centralised Processing Center,
Income Tax Department, Bengaluru,
1st Floor, Prestige Alpha No.48/1, 48/2,
Beratenaagrahara Begur, Hosur Road,
Uttarahalli Hobli, Bengaluru – 560 100, Karnataka,
and 3 others.

...Respondents

ORDER:

Learned counsel Sri A.V.A.Siva Kartikeya appears for the petitioner.

Ms. Bokaro Sapna Reddy, learned Senior Standing Counsel for Income Tax Department, appears for the respondents.

2. The intimation dated 06.02.2026 issued under Section 143(1) of the Income Tax Act, 1961 (hereinafter referred to as, "the Act"), for the assessment year 2025-2026 has been challenged by the petitioner, though there is a typographical error in the prayer portion wrongly showing the assessment year as 2024-2025.

3. It is alleged that the respondents wrongly treated the petitioner – a Private Discretionary Trust, as an Association of Persons (AOP) or a Body of Individuals (BOI) and taxed it at a Maximum Marginal Rate (MMR). The said adjustment is mechanically beyond the scope of Section 143(1) of the Act and contrary to the settled law. It is also in violation of principles of natural justice.

4. From the pleadings and enclosed documents, it is evident that the petitioner has preferred an appeal for similar intimation issued under Section 143(1) of the Act for the assessment year 2024-2025 treating the petitioner as AOP/BOI and taxing it at MMR before the Commissioner of Income Tax (Appeals), National Faceless Appeals Centre, which is pending. Stay petition has also been filed before the assessing officer, which is pending.

5. Learned counsel for the petitioner has drawn the attention of this Court to the Circular No.6/2012, dated 03.08.2012 (Annexure P.15), on the subject of relaxation from compulsory e-filing of return of income for assessment year 2012-2013 for representative assessees of non-residents and in the case of private discretionary trusts. He submits that the department is not following its own circulars.

6. Learned Senior Standing Counsel appearing for the respondents, however, has objected to the prayer on the ground of availability of alternative remedy of appeal. She has also pointed out that the Circular No.6/2012 does not apply to the relevant assessment year of 2025-2026 as appearing from paragraph 4(ii) thereof. It is submitted that the petitioner has earlier also approached the appellate authority. Therefore, it may be relegated to the appellate authority to raise the valid grounds, if any, before the said authority.

7. Having heard the learned counsel for the parties and from the materials placed on record, we are of the opinion that since the intimation under Section 143(1) of the Act is appealable and that the petitioner has already preferred an appeal earlier against such intimation for the assessment year 2024-2025, the petitioner be relegated to pursue the appellate remedy where it can raise all such grounds of law and fact.

Therefore, we are not inclined to entertain the writ petition. Liberty is given to the petitioner to prefer an appeal within a week. It is also given liberty to take the ground of exclusion of the period during which it was pursuing the writ petition in the appeal to be filed.

8. The writ petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI A.V.A.SIVA KARTIKEYA, Advocate [OPUC]
2. One CC to Ms. BOKARO SAPNA REDDY, SENIOR SC INCOME TAX [OPUC]
3. Two CD Copies

PSK.
BS

HIGH COURT

DATED:05/03/2026

ORDER

WP.No.6546 of 2026

HIGH COURT FOR THE STATE OF TELANGANA
24 MAR 2026
★ DESPATCHED ★

DISMISSING THE WRIT PETITION
WITHOUT COSTS

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MBC
23/3