

GAHC010081252026



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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/2231/2026**

THE ASSAM CO OP APEX BANK LTD  
A CO-OPERATIVE BANK DULY LICENSED AND REGULATED BY THE  
RESERVE BANK OF INDIA, HAVING ITS REGISTERED OFFICE AT APEX  
BANK, BUILDING, H.B. ROAD, PANBAZAR, GUWAHATI-781001 DIST.  
KAMRUP (METRO), ASSAM. REPRESENTED BY ITS MANAGING  
DIRECTOR, SHRI MILAN CHANDRA DAS, AGED ABOUT 61 YEARS OF AGE.

VERSUS

THE UNION OF INDIA AND 3 ORS.  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY  
OF FINANCE, DEPARTMENT OF REVENUE, NORTH BLOCK, NEW DELHI-  
110001.

2:NATIONAL FACELESS APPEAL CENTRE (NFAC)

THROUGH THE COMMISSIONER OF INCOME TAX (APPEALS) AAYAKAR  
BHAWAN  
CHRISTIAN BASTI  
G.S. ROAD  
GUWAHATI-781005  
ASSAM.

3:THE ASSESSMENT UNIT  
INCOME TAX DEPARTMENT

AAYAKAR BHAWAN  
CHRISTIAN BASTI  
G.S. ROAD  
GUWAHATI-781005  
ASSAM.

4:THE ASSISTANT COMMISSIONER OF INTOME TAX

CIRCLE-2  
GUWAHATI  
AAYKAR BHAWAN  
G.S. ROAD  
CHRISTIAN BASTI  
GUWAHATI-781005  
ASSAM

**Advocate for the Petitioner** : MS. M L GOPE, MS S SARKAR,MR S K SAHA,MS. N HAWELIA

**Advocate for the Respondent** : SC, CGST, SC, GST

**BEFORE**  
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**Date : 29.04.2026**

Heard Ms. L. Gope, learned counsel appearing for the petitioner. Also heard Dr. B. N. Gogoi, learned Standing Counsel appearing for the Income Tax Department and Ms. M. Das, learned counsel appearing on behalf of Mr. S. K. Medhi, learned counsel for the respondent No. 1.

2. By this petition under Article 226 of the Constitution of India, the petitioner assails the orders dated 17.03.2026 and 06.04.2026 issued by respondent No. 4, whereby payment of an outstanding demand of Rs. 4,63,06,10,541/- for the assessment year 2022-23 has been directed, coupled with a stipulation for coercive recovery in default. The petitioner also seeks restraint against any coercive recovery pursuant to the order dated 15.03.2024 passed by respondent No. 3.

3. The petitioner participated in the assessment proceedings and furnished all requisite documents. The assessment order, however,

came to be passed without due appreciation of the material on record, resulting in the aforesaid demand. The first appeal before the CIT (Appeals) stands dismissed. A further appeal is pending. During the pendency thereof, the impugned recovery notices have been issued demanding immediate payment and threatening coercive steps, including attachment of bank accounts.

4. The petitioner, a co-operative bank with approximately 10 lakh depositors predominantly from economically weaker sections contends that attachment of its accounts would have severe and irreversible consequences for its depositors. It is further urged that the petitioner deals exclusively with public funds, which remain substantially locked in statutory reserves with the Reserve Bank of India and in Government securities towards CRR and SLR requirements. The demand is stated to be approximately 3.3 times the petitioner's net worth (about Rs. 139 crores), and any coercive recovery would imperil its very functioning and survival, even as the appeal remains pending before the Income Tax Appellate Tribunal (hereinafter referred to as the "ITAT").

5. Learned counsel for the petitioner submits that although an appeal and a stay application have been filed before the ITAT, the Tribunal is not sitting regularly; hence, recourse to the present writ jurisdiction. It is contended that absent interim protection, irreparable prejudice would ensue.

6. Per contra, learned Standing Counsel for the Income Tax Department submits, on instructions, that the writ petition is not maintainable. It is pointed out that the appellate tribunal is functional

and seized of both the appeal and the stay application. In such circumstances, it is urged, the writ petition ought not to be entertained.

7. Having heard learned counsel for the parties and perused the record, this Court finds that the petitioner has already invoked the statutory appellate remedy before the ITAT, Guwahati Bench, and has also filed a stay application, which remains pending. The Tribunal is thus *in seisin* of the matter. In such a situation, invocation of the writ jurisdiction, bypassing the efficacious statutory remedy, is not warranted. The plea that the Tribunal is not sitting regularly cannot justify interference by this Court in a matter which is sub judice before a competent statutory forum, particularly when the Tribunal is stated to be functional.

8. No exceptional ground is made out to entertain the writ petition.

9. However, having regard to the urgency projected, it is expected that the ITAT shall take up and decide the stay application expeditiously.

10. The writ petition is, accordingly, dismissed.

**JUDGE**

**Comparing Assistant**