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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **O.M.P. 172/2013**

AMIT KAPOOR

..... Petitioner

Through : Ms. Manmeet Arora, Adv.

versus

M/S PACIFIC EDUCATIONAL ACADEMY ... Respondent

Through : Mr. Sarvendra Singh and
Mr. Rajesh Pathak, Adv.

+ **O.M.P. 456/2013 and I.A.No.7359/2013**

M/S PACIFIC EDUCATIONAL ACADEMY Petitioner

Through : Mr. Sarvendra Singh and
Mr. Rajesh Pathak, Adv.

versus

AMIT KAPOOR

..... Respondent

Through : Ms. Manmeet Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

21.05.2013

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1. This case was kept pending with respect to the objection of Amit Kapoor to para 4 of the affidavit of Prem Pal Kathuria in which Kathuria has undertaken to deposit the TDS of Rs.3,37,250/- within 15 days and to give TDS certificate to Amit Kapoor in

respect of the same. The apprehension of Mr. Amit Kapoor is that he may not get the benefit of the TDS certificate for the financial years 2010-11 and 2011-12. Mr. Sanjeev Sabharwal, the learned Standing Counsel for Income Tax Department is present in Court and he submits that Mr. Amit Kapoor will have to file revised return to get the benefit of the TDS deposited by Mr. Prem Pal Kathuria. In that view of the matter, the objection of Amit Kapoor to para 4 of the affidavit is not sustainable.

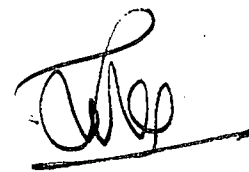
2. The learned counsel for Mr. Amit Kapoor submits that Mr. Prem Pal Kathuria should mention the financial year 2011-12 while depositing the TDS to which the learned counsel for Mr. Prem Pal Kathuria has no objection.

3. Both the parties have filed their respective undertakings by way of affidavit in terms of the order dated 14th May, 2013.

4. The undertakings of both the parties are accepted.

5. Both the petitions are disposed of in terms of the order dated 14th May, 2013 and the undertakings given by them. Both the parties shall remain bound by the undertaking given by them to this Court.

6. Copy of this order be given dasti.


J.R. MIDHA, J

MAY 21, 2013

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