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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010402762026
+ **W.P.(C) 12492/2026, CM APPL. 57912/2026 & CM APPL. 57913/2026**

MOUNT SHIKHAR FINANCIAL SERVICES LIMITED

.....Petitioner

Through: **Mr. Kumail Abbas & Ms. Riya Jain,**
Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Abhishek Maratha, SSC with Mr. Apoorv Agarwal, Mr. Viplav Acharya, JSCs.**
Mr. Ashok Kashyap, SPC with Mr. Kabir Hazarika (GP), Mr. Anshul Bhadouriya, Mr. Abhay Singh, Mr. Mayank Nagar, Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER

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25.08.2026

1. By way of present writ petition, the petitioner has challenged a notice dated 06.11.2025 issued under Section 226(3) of the Income Tax Act, 1961 (*hereinafter referred to as 'the Act of 1961'*).
2. Learned counsel for the petitioner argued that the petitioner is having a strong *prima-facie* case as the demand raised by the Assessing Officer vide order dated 18.03.2025 is absolutely unsustainable and *per-se* contrary to facts and law.



3. During the course of submissions, on Court's query, learned counsel for the petitioner informed that the petitioner has filed a stay application on 20.08.2025 – just a day before filing the present writ petition (which was filed on 21.08.2026).

4. In view of the aforesaid and considering that the notice under Section 226(3) of the Act of 1961 was issued way back on 06.11.2025 and the assessee having filed its appeal on 24.03.2025, has not cared to take any steps for seeking stay from any Competent Authority, we are not inclined to exercise our discretionary jurisdiction in favour of a litigant who has been sleeping over his rights.

5. Simply because the petitioner has moved a rectification application and was pursuing the same, he cannot afford to close his eyes from the impending demand against him.

6. An assessee who is sleeping over his rights cannot knock at the door of the High Court to seek protection against the measures of recovery which the respondent-Department is legally taking.

7. The writ petition is, therefore, dismissed along with all pending applications.

DINESH MEHTA, J.

RAJNEESH KUMAR GUPTA, J.

AUGUST 25, 2026/nk