

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

SAILESH RANJAN
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CWP No.18067 of 2012

Date of decision:09.04.2015

Divya Prakash Society (Regd.)

....Petitioner

Versus

Chief Commissioner of Income Tax, Panchkula

.....Respondent

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE G.S.SANDHAWALIA**

Present: Mr.Deepak Aggarwal, Advocate, for the petitioner.

Ms.Urvashi Dhugga, Advocate, for the respondent.

S.J.Vazifdar, Acting Chief Justice (Oral):

1. The parties have no objection to the writ petition being disposed of in view of the order dated 25.03.2015 passed in CWP No. 747 of 2013 titled *Vivek Shiksha Samiti vs. Chief Commissioner of Income Tax, Panchkula*.

2. Accordingly, the writ petition is allowed. The impugned orders are set aside. The matter is remanded to the Commissioner of Income Tax (Exemptions) for passing a fresh decision in accordance with law including considering the judgments of the Apex Court in **CA No.5167 of 2008** titled *M/s Queen's Educational Society Vs. Commissioner of Income Tax*, decided on 16.03.2015.

3. At present, there does not appear to be any reason to believe that recoveries will be made before the passing of the fresh order. The petitioner is always at liberty to make an application before the concerned authority for a stay, if necessary. The petitioner has been paying the demand under protest and about 2/3rd of the demand has already been paid. The respondent, therefore, shall not take any coercive action, till the disposal of the appeal.

(S.J.Vazifdar)
Acting Chief Justice

09.04.2015
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(G.S.Sandhawalia)
Judge