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

\+ W.P.(C) 948/2015 and CM No. 1664/2015

ERA INFRA ENGINEERING LTD. ..... Petitioner

Through: Mr Vineet Tayal
Mr Susheel Kumar, AR of petitioner

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Ms Silky Luthra for R-1
Mr N.P. Sahni and Mr Nitin Gulati for Income Tax Department

CORAM:
HON'BLE MR. JUSTICE BADAR DURREZ AHMED
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

<u>O R D E R</u>

% 24.02.2015

The learned counsel for the petitioner states that there is no difficulty with the liability inasmuch as the petitioner acknowledges the liability to pay the amount of TDS collected by it and not deposited with the Government. He also states that pursuant to our previous order, a sum of Rs 5 crores has been deposited with the Income Tax Authorities at Delhi. After hearing the learned counsel for the parties, it transpires that the Income Tax Authority at Noida shall continue with the proceedings. This choice of Authority has been made by the petitioner in open court. That being the case, the relevant Authority insofar as this matter is concerned, will be the Income Tax Authority at Noida and not at Delhi any more. The balance amount which has to be deposited will be deposited with the Income Tax Authority at Noida after giving credit of the amount of Rs 5 crores already deposited with the Income Tax Authority at Delhi. If the petitioner wants to make a request for instalment, that request shall have to be made to the Authority at Noida. The petitioner shall facilitate the transfer of any other matter connected with this matter from Delhi to Noida. No further coercive measures will be taken by the Income Tax Authority at Delhi and all steps have to be taken by the Income Tax Authority at Noida. In order to facilitate this, the order passed by the Income Tax Authority at Delhi dated 26.12.2014 stands quashed. The amount of Rs 5 crores deposited pursuant to this will be adjusted against the amounts due as per the Income Tax Authority at Noida.

The writ petition stands disposed of as above.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 24, 2015
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