THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 14.10.2015

+ W.P.(C) 21054/2005

JOGINDER SINGH BAGGA ..... Petitioner

versus

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

Advocates who appeared in this case:

For the Petitioner : Mr Kunal Aganpal.

For the Respondents : None.

CORAM:
DR. JUSTICE S. MURALIDHAR
MR. JUSTICE VIBHU BAKHRU

JUDGMENT

VIBHU BAKHRU, J

1. The petitioner has filed the present petition, *inter alia,* praying as under:-

> "Issue a writ in the nature of mandamus or directions to the respondents for release of the balance reward amount in the sum of Rs.72,42,392/- (Rupees Seventy Two Lacs Fourty Two Thousand & Three Hundred Ninety Two Only) due to the petitioner in the light of the above averments and in the interest of justice."

2. It is the petitioner's case that he had supplied information to the Income Tax Authorities regarding alleged tax evasion by All India Personality Enhancement and Cultural Society for Scholars (AIPECCS

Society)/Col. Satsangi Kiran Memorial Group. It is further submitted that pursuant to the information provided, search under Section 132(1) of the Act was conducted at certain premises of AIPECCS Society. It is stated that pursuant to the search, certain cash was seized and further assessment to the extent of ₹12,80,66,150/- was made in respect of AIPECCS Society and a demand of ₹7,68,69,690/- was raised by the Income Tax Authorities. Accordingly, the petitioner claims that as per the present policy he is entitled to be rewarded for the information provided by him.

3. The petitioner was paid an interim award of ₹1Lac on 24th April, 2000 and a sub-committee was constituted to examine if the information provided by the petitioner was directly co-related with the disclosure made and the tax realised from the Assessee. On 1st March, 2002, the Reward Committee concluded that the petitioner was entitled to an award of ₹4,41,577/- being 8% of the undisputed taxes of ₹55,19,717/- realized till that date and, after reducing the interim amount, a further sum of ₹3,41,577/- was paid to the petitioner on 28th March, 2003.

4. Since the assessment made under Section 158BC of the Income Tax Act, 1961 was challenged by AIPECCS Society, no further amount was

found payable to the petitioner at that stage. As the petitioner was not rewarded in respect of the entire assessment made in the case of AIPECCS Society, the petitioner filed a petition under Article 226 of the Constitution of India being W.P.(C) 7904/2003 which was disposed of by this Court on 31st August, 2004. While disposing of the said petition, this Court noted the stand of the Income Tax Authorities that the matter relating to the assessment made in respect of AIPECCS Society was pending final adjudication and in the event any amount was recovered finally, the petitioner would be paid as per the policy. In view of the Revenue's stand as stated above, this Court declined to interfere at that stage.

5. The petitioner has filed the present petition as according to the petitioner, the respondents have failed to provide any further information thereafter.

6. The Assessee, AIPECCS Society had successfully challenged the assessment made under Section 158BC of the Act before the Income Tax Appellate Tribunal; by an order dated 28th September, 2007, the Tribunal had set aside the assessment made. The Revenue appealed against the aforesaid decision, in an appeal filed under Section 260A of the Income

Tax Act, 1961, being ITA No. 705/2008. By a judgment dated 7th October, 2015, this Court upheld the Tribunal's order dated 28th September, 2007 and rejected the Revenue's appeal.

7. Since the assessment framed in respect of AIPECCS Society pursuant to the search conducted on 15th January, 1999 has been quashed, the petitioner would not be entitled for any reward in respect of the said assessment. Accordingly, the present petition is dismissed.

8. In the circumstances, the parties are left to bear their own costs.

VIBHU BAKHRU, J

S. MURALIDHAR, J

OCTOBER 14, 2015
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