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

\+ W.P.(C) 2359/2015 & CM 4238/2015

THE BANK OF TOKYO-MITSUBISHI UFJ LTD ..... Petitioner

Through : Mr Nageswar Rao with Mr Sandeep S. Karhail

versus

THE DEPUTY DIRECTOR OF INCOME TAX ..... Respondent

Through : Mr Kamal Sawhney with Mr Basabraj Chakraborty

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

O R D E R

% 11.03.2015

Issue notice. Mr Kamal Sawhney accepts notice on behalf of the respondent/ revenue.

In this petition a direction is sought that the respondent should not to take coercive action towards enforcing an income tax demand during the pendency of the appeal before the ITAT.

The petitioner/ assessee's appeal [ITA No. 1162/Del/2014] with the ITAT is in respect of AY 2009-10. Apparently, on 07.03.2014 the ITAT had made an interim order directing no coercive action to be taken and staying the order of the Commissioner of Income Tax (Appeals). Subsequently, the interim order was extended on 09.09.2014. On 07.03.2015, by operation of law the stay or the interim order granted by the ITAT lapsed. It is submitted that the appeal is at the stage of final hearing. Having regard to the circumstances, the respondents are hereby directed not to take any coercive action or enforce the demands for the assessment year in question i.e. AY 2009-10, during the pendency of the petitioner's appeal before the ITAT. The writ petition is allowed in the above terms. We hope that the Tribunal takes up the hearing of the appeal, which is now listed on 17.03.2015, and decides the same expeditiously.

Dasti.

BADAR DURREZ AHMED, J

MARCH 11, 2015 **SANJEEV SACHDEVA, J**
SR