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

\+ W.P.(C) 3479/2015 and CM No. 6212/2015

SONY MOBILE COMMUNICATIONS INTERNATIONAL AB ..... Petitioner

Through: Mr Nageswar Rao and Mr Sandeep S. Karhail

versus

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

Through: Mr Nitin Gulati with Mr Aamir Aziz

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

O R D E R

% 10.04.2015

Issue notice. Mr Nitin Gulati accepts notice on behalf of the respondent/ revenue.

In this petition a direction is sought that the respondent should not 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. 769/Del/2014] with the ITAT is in respect of AY 2009-10. Apparently, on 11.04.2014 the ITAT had made an interim order directing no coercive action be taken and staying the order of the Commissioner of Income Tax (Appeals) on condition of deposit of some amount. The said condition has been complied with. Subsequently, the interim order was extended on 16.10.2014. Today, i.e., 10.04.2015, by operation of law the stay or the interim order granted by the ITAT will lapse. It is submitted that the appeal is at the stage of final hearing. In fact, it was fixed for hearing today but has been adjourned to 18.06.2015. 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 18.06.2015, and decides the same expeditiously.

Dasti.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

APRIL 10, 2015
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