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

+ **W.P.(C) 215/2015**

R.L.TRADERS

..... Petitioner

Through : Mr K. R. Manjani with MR B. K. Manjani

versus

INCOME TAX OFFICER WARD 29 (1)

..... Respondents

Through : Mr Rohit Madan

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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13.01.2015

This writ petition has been filed against the order dated 25.09.2014 passed in a Miscellaneous Application being MA 63/Del/2014 in ITA 3755/Del/2013 pertaining to the assessment year 2010-11. By virtue of the said MA, the petitioner sought rectification of the Tribunal's order dated 21.02.2014 passed, *inter alia*, in ITA 3755/Del/2013.

Mr Manjani, the learned counsel appearing on behalf of the petitioner, states that an appeal has already been filed against that order of the Tribunal (i.e. order dated 21.02.2014) and the ITA is numbered as ITA 743/2014 and the same is pending before another Division Bench of this Court.

We have examined the impugned order and find that the Tribunal has refused to entertain the application on the ground that there is no mistake apparent on the record requiring a rectification. Since no review of an order passed by the Tribunal is

permissible in law, the only remedy available to the petitioner was to file an appeal against the original order dated 21.02.2014. That, the petitioner has done.

In these circumstances, we find no merit in the present writ petition. Since all the facts are available on record, it will, however, be open to the petitioner to take up the pleas in the appeal pending before this Court.

The writ petition is dismissed.

BADAR DURREZ AHMED, J

**JANUARY 13, 2015
SR**

SANJEEV SACHDEVA, J