IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.13619 OF 2016

Sinhgad Technical Education Society .. Petitioner.
v/s.
The Tax Recovery Officer,
Central, Pune & Others .. Respondents.

Mr. J. D. Mistri, Sr. Advocate i/b. Mr. Nitin Dhumal, for the Petitioner.
Mr. N. C. Mohanty, for the Respondent.

CORAM: M.S.SANKLECHA, &
A.K.MENON, JJ.
DATE : 14th DECEMBER, 2016.

P.C:-

This Petition under Article 226 of the Constitution of India, challenges:-

(a) the impugned orders dated 5th August, 2016 and 28th November, 2016 passed by the Assessing Officer and the Commissioner of Income Tax, respectively. The aforesaid two orders partly reject the Petitioner's application under Section 220(6) of the Income Tax Act, 1961 (the Act) for stay of assessment order for the Assessment Years 2008-09 to 2014-15 pending the disposal of its appeals by the Commissioner of Income Tax (Appeals) [CIT(A)]; and

(b) The notices dated 29th and 30th November, 2016 (Exhibit O-1 to O-15) issued to its Bankers under Section 226(3) of the Act.

2 Being aggrieved by the order dated 5th August, 2016 and 28th November, 2016 the petitioner had made representation to the Principal

Chief Commissioner of Income Tax for stay. During the pendency of this Petition, the Petitioner's have on 8th December, 2016 been informed that its stay application made to the Principal Chief Commissioner of Income Tax, Pune has now been referred to the Director General of Income Tax (Investigation), Pune for disposal as he has jurisdiction to entertain the representation.

3 Mr. Mohanty, learned Counsel appearing for the Revenue, on instructions of Mr. Aseem Sharma, Joint Commissioner of Income Tax, states that pending the disposal of petitioner's stay application dated 1st December, 2016 by the Director General of Income Tax (Investigation), Pune and for a period of one week of its communication to the petitioner, the respondent Revenue will not adopt any further recovery proceedings in respect of the Assessment Years 2008-09 to 2014-15 on the basis of the assessment order.

4 In view of the above statement on behalf of the Revenue, Mr. Mistri, the learned Senior Counsel for the petitioner seeks to withdraw this petition.

5 **Petition** is **dismissed as withdrawn.** No order as to costs.

(A.K.MENON,J.) **(M.S.SANKLECHA,J.)**