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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1287 OF 2016
WITH
WRIT PETITION NO.1283 OF 2016
WITH
WRIT PETITION NO.1284 OF 2016
WITH
WRIT PETITION NO.1285 OF 2016
WITH
WRIT PETITION NO.1286 OF 2016
WITH
WRIT PETITION NO.1288 OF 2016

Sodexo SVC India Pvt. Ltd. ..Petitioners
Versus
Deputy Commissioner of Income Tax
(TDS)2(2) and anr. ..Respondents

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Mr. J. D. Mistri, Senior Advocate, a/w Hiten Chande, Y. P. Dandiwala, Ms. K. R. Daviervala and Mr. Y.P. Jijina i/b. Mulla & Mulls & C.B. & C. for the Petitioner.
Mr. Suresh Kumar a/w Ms. Samiksha Kanani for the Respondents.

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CORAM: M. S. SANKLECHA &
A. K. MENON, JJ.

DATE : 17TH JUNE, 2016

P.C.:

1. These petitions under Article 226 of the Constitution of India challenges the assessment orders passed by the Assessing Officer under Section 201(1) and 201(1A) of the Income Tax Act, 1961 (the Act). It is the grievance of the petitioners that sufficient opportunity to represent

their case was not afforded to them before passing of the impugned orders.

2. Mr. Suresh Kumar, the learned counsel appearing for the Revenue, on instructions of Mr. M. S. Duggal, Deputy Commissioner of Income Tax (TDS) states that in respect of all the six petitions relating to financial years 2010-11 to 2015-16 the Revenue would not adopt any coercive proceedings till the appeals of the petitioners from the impugned orders dated 21st March, 2016 are decided by the Commissioner of Income Tax (Appeals) (CIT(A)) provided the appeals are filed within two weeks from today. Besides he states that till the decision is taken on the appeals by the CIT(A), the petitioner would not be treated as an Assessee in default. Statement accepted.

3. The petitioners have not yet filed any appeal from the orders dated 21st March, 2016 to the CIT(A). This in view of having approached this Court in its extra ordinary jurisdiction under Article 226 of the Constitution of India. However keeping in view the statement made by the Revenue, the CIT(A) is directed to consider the appeals from the six orders dated 21st March, 2016 on merits and not reject it on the ground of being time barred. Provided the appeals are filed within two weeks from today.

4. In view of the above, Mr. Mistri, the learned Senior Counsel appearing for the petitioners seeks to withdraw the petitions.

5. Accordingly, all six petitions are disposed of as withdrawn.

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

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