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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1118 OF 2016

MWH India Private Limited ..Petitioner
Versus
Deputy Commissioner of Income Tax
Circle 9(2) and 4 Ors. ..Respondents

....
Mr. Niraj Sheth a/w P. C. Tripathi i/b. Atul K. Jasani for the Petitioner.
Mr. Arvind Pinto for the Respondents.
....

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

DATE : 23RD JUNE, 2016

P.C.:

1. This Petition challenges the orders of the Assessing Officer and the Commissioner of Income Tax refusing to grant a stay of demand consequent to the final assessment order dated 31st January, 2014 passed by the Assessing Officer under Section 143(3) read with Section 144-C of the Income Tax Act, 1961 (the Act).

2. Mr. Sheth, the learned counsel for the petitioner states that their appeal from the order dated 31st July, 2014 of the Assessing Officer is pending with Income Tax Appellate Tribunal (the Tribunal). In the above circumstances, the petitioner seeks to withdraw this Petition and

approach the Tribunal for grant of stay in the pending appeal from the order dated 31st May, 2014 in respect of A.Y. 2009-2010.

3. Mr. Pinto, the learned counsel for the Revenue states that in case the appeal is filed as aforesaid within a period of two weeks, the Revenue would not adopt any coercive proceedings for recovery till the disposal of the stay application by the Tribunal.

4. In the above view, the Petition is disposed of as withdrawn in the aforesaid terms.

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

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