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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.435 OF 2016

Prakash Jhaveri ..Petitioner
Versus
Union of India & 6 Ors. ..Respondents

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Ms. Aarti Sathe a/w Pranav Arora, Kalpesh Turalkar i/b. Crawford Bayley & Co. for the Petitioner.
Mr. A. R. Malhotra a/w N. A. Kazi for the Respondents.

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

DATE : 31ST MARCH, 2016

P.C.:

1. This Petition under Article 226 of the Constitution of India assails the orders dated 11th June, 2015, 14th August, 2015 and 13th October, 2015 rejecting the petitioner's application for staying of demand consequent to the assessment order dated 24th March, 2015 for A.Y. 2004-05. The petitioner's appeal from assessment order dated 24th March, 2015 is pending disposal before the Commissioner of Income Tax (Appeals).

2. Ms. Sathe, the learned counsel appearing for the petitioner states that they have now received a communication dated 30th March, 2016 from the Assistant Commissioner of Income Tax – respondent no.3

communicating the decision of the Chief Commissioner of Income Tax that the Revenue would not adopt any coercive proceedings for recovery of the disputed taxes during the pendency of the petitioner's appeal for A.Ys. 2004-05 and 2005-06. We are informed that appeal for A.Y. 2005-06 is also pending before the Commissioner of Income Tax (Appeals) alongwith the appeal for A.Y. 2004-05.

3. In view of the communication dated 30th March, 2016 she seeks leave to withdraw the present Petition. Ms. Sathe further states that the petitioner is 76 years old and suffering from Cancer. In the above view she requests that the Commissioner of Income Tax (Appeals) be directed to dispose of the petitioner's appeals for the assessment years 2004-05 and 2005-06 pending with him at the earliest. Taking into consideration that the petitioner is a senior citizen and keeping unwell we would request the Commissioner of Income Tax (Appeals) to adjudicate upon the petitioner's appeal for the assessment years 2004-05 and 2005-06 as expeditiously as possible and preferably within eight weeks from today.

4. Subject to the aforesaid directions to the Commissioner of Income Tax (Appeals) the Petition is dismissed as withdrawn. No order as to costs.

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

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