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

\+ W.P. (C) 530/2000

THE GREAT SUGAR COMBINE LTD. ..... Petitioner
Through: Mr. Ankur Bansal, Advocate.

versus

COMMISSIONER OF INCOME TAX ..... Respondent
Through: Mr. Ruchir Bhatia, Sr. Standing Counsel with Mr. Puneet Rai, Jr. Standing Counsel.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% **25.11.2016**

A direction is sought in this writ petition to quash an order dated 13/17.05.1989 by the respondents and also further direction to withdraw the complaint dated 30.03.1992 and restrain the respondents from proceeding further in the matter.

The occasion for approaching this Court for the direction sought is the prosecution launched by the respondents under Section 276CC. It is noteworthy that the petitioner had already approached the authorities in Kar Vivad Samadhan Scheme in which orders were made.

This Court had entertained the writ petition and passed an interim order which had subsisted and bound the parties till date.

Counsel for the respondents submits that the income tax authorities have now decided in principle not to pursue the prosecution. It is stated by the department that having regard to the long drawn litigation, i.e., pendency of more than 16 years - for a default of late filing the return and further having regard to the fact that the tax amount is only ₹2,64,139/-, it would not pursue prosecution against the assessee.

In view of the statement made by the learned counsel who placed letter No. F.No.ITO/W-25(2)/Writ-pros/2016-17/151 by the ITO Ward-25(2), New Delhi, the Criminal Complaint No.160/1992 and all further proceedings are hereby quashed.

The writ petition is allowed in the above terms.

S. RAVINDRA BHAT, J

NAJMI WAZIRI, J

NOVEMBER 25, 2016
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