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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2572/2016

ICICI BANK LTD

..... Petitioner

Through: Mr.M.P. Devnath, Mr. Abhishek Anand
Mr. Yogendra Aldak, Advocates.

versus

COMMISSIONER, TRADE & TAXES
DELHI & ANR.

..... Respondents

Through: Mr. Satyakam, Additional Standing
counsel

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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22.03.2016

CM No. 10944 of 2016(exemption)

1. Allowed subject to all just exceptions.

2. The application is allowed.

W.P.(C) No. 2572 of 2016 & CM No. 10943 of 2016(stay)

3. The Petitioner, ICICI Bank Ltd., is aggrieved by the writ of demand issued along with recovery notices dated 8th and 9th March 2016 issued by the Value Added Tax Officer ('VATO') consequent upon the order dated 7th March 2016 passed by the Appellate Tribunal, Value Added Tax, ('AT') whereby the appeals of the Petitioner have been dismissed.

4. Learned counsel for the Petitioner states that the certified copy of the aforementioned order of the AT was received on 14th March 2016 and therefore it has time till 14th April 2016 to file appeal in this Court. It is stated that the Petitioner has already paid 40% of the confirmed demand and 10% of the confirmed penalty. It is urged that till such time the appeal is filed in this Court, the Respondent should not seek to recover disputed demand and penalty. It is further stated that the Petitioner will file the appeal against the order dated 7th March 2016 of the AT in this Court on or before 18th April 2016.

5. Having heard, learned counsel for the parties, it is directed that subject to the Petitioner filing an appeal before this Court on or before 18th April 2016, together with an application of stay against the impugned order of the AT and till such time an order is not passed in the stay application, the Respondent shall not seek to enforce any demand consequent upon the order dated 7th March 2016 of the AT. It is made clear that if the Petitioner does not file appeal on or before 18th April 2016 along with an application for stay, this order will automatically stand vacated.

6. The petition and the application are disposed of. Order *dasti*.

S.MURALIDHAR, J

VIBHU BAKHRU, J

MARCH 22, 2016/mg