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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.262 OF 2017
WITH
WRIT PETITION NO.264 OF 2017

Pr. Commissioner of Income Tax-1 ..Petitioner
Versus
M/s. Tata Communications Ltd. ..Respondent

....

Mr. Suresh Kumar for the Petitioner.
Mr. Manohar Vaidya a/w Srihari Iyer for the Respondent.

....

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

DATE : 15th FEBRUARY, 2017

P.C.

1. Both these petitions challenge the orders dated 6th May, 2016 and 10th June, 2016 by which the Income Tax Appellate Tribunal (Tribunal) extended the stay of recovery of demands in pending appeals before the Tribunal for the Assessment Year 2008-09 in one case and for the Assessment Year 2007-08 in another case respectively. Both the impugned orders dated 6th May, 2016 and 10th June, 2016 extended the stay for six months i.e. beyond the period of 365 days as provided under Section 254(2A) of the Income Tax Act, 1961 (the Act).

2. Mr. Suresh Kumar, the learned counsel appearing for the petitioner

states that both the impugned orders of the Tribunal have come end as the stay granted for six months has expired.

3. In the above view, Mr. Suresh Kumar seeks liberty to withdraw both these petitions as they have become infructuous. However, he seeks liberty to file fresh petitions to challenge the subsequent orders of the Tribunal dated 28th October, 2016 and 9th December, 2016 extending the stay for a further period of six months. Liberty granted.

4. Both Petitions are disposed of as withdrawn, with liberty as prayed.

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

Wadhwa