

\$~40

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

+ CM No.817/2018 In W.P.(C) 11454/2017

PEPSICO INDIA HOLDINGS, PVT.LTD. Petitioner
Through: Ms. Rashmi Chopra with
Ms. Rashi Khanna & Mr. Sheel Vardhan, Advs.

versus

ASSISTANT COMMISSIONER OF INCOME TAX
..... Respondent
Through: Mr. Zoheb Hossain, Sr. Standing
Counsel for Revenue.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **12.01.2018**

The petitioner/applicant has pointed out that there is an error in the order of 22.12.2017. The Court had modified the direction of the ITAT and revised the demand to pay 20% of the amount deposited, downwards and instead required the petitioner/applicant to deposit ₹15 crores with a further direction that the Court's orders would bind the parties, as long as the interim order continues.

Having heard counsel for the parties, it is apparent that the last part of the penultimate paragraph of the order of 22.12.2017, is to be modified and be read as follows:

“demand to pay 20% is not entirely justified.

xxxx

xxxx

xxxx

xxxx

Subject to petitioner’s compliance, this order shall bind the parties till the disposal of the appeals pending before the ITAT.”

The above corrections/modifications are directed to the order dated 22.12.2017. The Court is also of the opinion that the ITAT – which is said to be seized of the proceedings and is now scheduled to hear the appeals pending before it on 06.02.2018, shall continue to do so on day to day basis to the best extent possible and also ensure that no adjournment is granted to either party and to the best of its endeavour, decide the cases before it within three months from today.

The application stands disposed of accordingly.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 12, 2018

kks