

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14821 of 2017

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Prakash Sahay, S/o Late Sri Raman Ji, B 402 Prachi Ashirwad
Apartment, Behind Abdul Hai Complex, Exhibition Road, Thana
Gandhi Maidan, District Patna, Bihar 800001.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Law and
Justice, 4th Floor, A- Wing, Shastri Bhawan, New Delhi, Delhi
110001.
2. The Income Tax Appellate Tribunal, Through President 10th and
11th Floor Loknayak Bhawan, Khan Market New Delhi, 110003.
3. The Income Tax Appellate Tribunal, Through Assistant Registrar,
C.R. Building, Beer Chand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Sahay, Adv
For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.)
Mr. Rajesh Kumar Verma (CGC)

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-10-2018

1. The present writ petition in the nature of Public
Interest Litigation has been preferred by the petitioner
herein for an appropriate writ/direction directing the
respondents to constitute the Income Tax Appellate Tribunal
(ITAT), Patna Bench on regular basis.



2. A counter affidavit has been filed on behalf of the respondents in which it is stated that as such there is no need at present to have the Income Tax Appellate Tribunal, Patna Bench on regular basis. It is further stated that even otherwise, there is no need to have the Income Tax Appellate Tribunal, Patna Bench on regular basis as institution of the appeal at the Income Tax Appellate Tribunal, Patna Branch is very low. It is stated that after regular interval, the Circle Bench has been sent for hearing and disposal of pending appeals. It is further submitted that as such, the ITAT, Patna Bench, from 05.03.2018 to 16.03.2018, heard a total of 139 appeals, which are all disposed of. It is submitted that similarly from the period of 28.05.2018 to 08.06.2018, the Circle Bench has heard total of 72 appeals and disposed of 64 appeals. It is submitted that similarly in between 06.09.2018 to 10.08.2018, 165 cases have already been disposed of and 149 cases are dictated and pending for order. It is further submitted that as on today, only approximately 259 appeals are pending for which the regular ITAT, Patna Bench is not



required.

3. Having heard learned counsel appearing for the respective parties and considering the counter affidavit filed on behalf of the respondents and the facts narrated above, we are of the opinion that looking to the less/low number of pending matters and the Circle Bench, ITAT, Patna Bench is able to dispose of number of matters and in fact has disposed of number of matters, no further order is required to be passed as the public interest is not suffering.

4. Hence, considering the overall facts and circumstances narrated above, the present petition stands dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09/10/2018
Transmission Date	

