

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (L) NO. 36390 OF 2017

Kavita Infrastructure Pvt.Ltd.

...Petitioner

versus

**Comissioner of Income Tax (Appeals) 12, ...Respondents
Pune & Ors.**

Mr. Mihir Naniwadekar, a/w Mr. Rohan Deshpande, for the
Petitioner.

Ms. Namita Shirke, a/w Ms. Hardeep Kaur, a/w Mr. Charanjeet
Chanderpal, for the Respondents.

**CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA, JJ.**

DATE : 19 January 2018

ORDER :

1. This Petition under Article 226 of the Constitution of
India challenges the order dated 30 November 2017 passed by

the Respondent No. 1-Commissioner of Income Tax (Appeals). By the impugned order, the Petitioner's Application for stay of the order dated 18 march 2016 passed by the Assessing Officer relating to assessment year 2008-09, was rejected.

2. Ms. Shirke, learned Counsel appearing for the Revenue, on instructions states that Respondent No. 1-Commissioner of Income Tax (Appeals) will hear the Petitioner on the stay application, if a fresh application for the stay of the order dated 18 March 2016 passed by the Assessing Officer is filed within the period of one week from today.

3. On instruction, it is further stated that the Commissioner of Income Tax (Appeals) will decide the same within a further period of four weeks. Further, till disposal of the stay application, if filed, the Revenue will not adopt any recovery proceedings in respect of the Petitioner's dues for the subject assessment year.

4 . In view of the above, the Petition is disposed of in terms of the above statement.

[RIYAZ I. CHAGLA J.]

[M.S. SANKLECHA, J.]