IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 255 of 2016

Principal Commissioner of Income Tax-15
Mumbai .. Appellant

v/s.
M/s. Strides Arcolab Ltd. ..Respondent

Mr. Suresh Kumar for the appellant
Mr. Atul Jasani for the respondent

CORAM : M.S. SANKLECHA &
SANDEEP K. SHINDE, J.J.

DATED : 14th JUNE, 2018.

P.C.

1. This appeal under Section 260A of the Income Tax Act, 1961 (the Act) challenges the order dated 17th April, 2015 passed by the Income Tax Appellate Tribunal. By the impugned order passed under Section 254(2)A of the Act, the stay of the demand was extended for a further period of six months from 17th April, 2015 i.e. taking it beyond a period of 365 days.

2. The question as proposed for our consideration in the appeal reads as under :-

Whether on the facts and in the circumstances of the case and *in law, the Tribuanl was justified in granting stay under Section 254(2A) of the Act for a futher period of six months from 17.04.2015 when it had already granted stay of 365 days in the assessee's case on its application for stay?*

3. We find that the impugned order dated 17th April, 2015 has a life of 6 months from the date it was passed. Therefore, the impugned order is no longer in existence as the extension of stay granted by order dated 17th April, 2015 came to an end on 18th October, 2015.

4. Therefore, the impugned order has come to an end by efflux of time. Thus, rendering that challenge to it infructuous.

5. In any event, this issue viz. the jurisdiction of the Tribunal to extend stay under Section 254(2A) of the Act stands concluded against the Revenue and in favour of the assessee. This Court has in ***Narang Overseas P. Ltd. Vs. Income-Tax Appellate Tribunal & Ors. 295 ITR 22, Commissioner of Income Tax Vs. Ronuk Industries Ltd. 333 ITR 99*** and in ***Commissioner of Income Tax Vs. M/s. Tata Teleservices (Maharashtra) Ltd.*** (Writ Petition (L) No.3437 of 2015) decided on 16th December, 2015 has held that the Tribunal has jurisdiction to extend stay in pending appeals under Section 254(2A) of the Act beyond 365 days.

6. However, as the impugned order has already come to an end, the appeal is dismissed as infrucutous.

(SANDEEP K. SHINDE J.) **(M.S. SANKLECHA, J.)**