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

+ W.P.(C) 559/2018 & CM APPL. 2382/2018
PR. COMMISSIONER OF INCOME TAX CIRCLE 18(1), NEW
DELHI Petitioner
Through: Mr. Asheesh Jain, Senior Standing
Counsel

versus

NEW DELHI TELEVISION LTD. Respondent
Through: Mr. Sachit Jolly, Mr. Rohit Garg &
Mr. Aarush Bhatia, Advocates

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **19.01.2018**

The impugned order dated 23.8.2017 passed by the Special Bench, Income Tax Appellate Tribunal ('ITAT') in ITA No.3865/Del/2014 answers the reference made to them and directs that the matter be placed before the Hon'ble President, ITAT for taking appropriate decision, pursuant to the answer given to the reference.

The second impugned order passed by the Hon'ble President, ITAT dated 24.8.2017, directs that the matter be restored to the Division Bench for adjudication, in accordance with law. It also records that the Special Bench having decided the question (reference), was disbanded.

The cross-appeals filed by the Revenue and the Assessee,

therefore, have to be now listed before the Division Bench and decided. The petitioner herein would have to await the decision of the Division Bench, and, if required, challenge the same as per the statute.

In these circumstances, we are not inclined to issue notice in the present writ petition. We clarify that we have not commented on the merits and all issues and contentions are left open.

The petition is disposed of, with no order as to costs. The pending application is also disposed of.

Dasti under signature of the Court Master.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JANUARY 19, 2018/tp