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

\+ W.P.(C) 5515/2018

NOKIA SOLUTIONS AND NETWORKS INDIA PRIVATE LIMITED ..... Petitioner

Through Mr. Tarun Gulati, Mr. Sparsh Bhargava, Mr. Vinayak Mathur and Mr. Vipin Upadhyay, Advocates.

versus

THE ASSISTANT COMMISSIONER OF INCOME TAX (TDS) & ORS. ..... Respondent

Through Mr. Ruchir Bhatia, Sr. Standing Counsel.

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

O R D E R

% **28.05.2018**

Counsel for the petitioner states that due to misapprehension and wrong communication, he had stated that the petitioner would not press for refund of Rs.380 crores, if rate of deduction of tax at source is reduced to 5.2%. Counsel for the petitioner states that he would withdraw this statement. A chart was filed to justify factual position.

2. During the course of hearing, counsel for the petitioner has drawn our attention to the details of outstanding demands from assessment year 2009-10 onwards, which have been paid and are refundable or there is an absolute stay of the entire demand either by the High Court or the Tribunal. He submits that the stay orders have

been passed after examining merits.

3. Counsel for the respondents has obtained instructions and states that the Commissioner would examine all issues and contentions including those raised by the petitioner in the writ petition without being influenced by the observations made by her on the administrative side. He submits that the Commissioner would pass a speaking and reasoned order after detailed consideration within a period of 20 days from today.

4. Counsel for the petitioner initially had reservation, but during the course of hearing has agreed to the suggestion given by the counsel for the respondents with hope and trust that there would be independent application of mind by the Commissioner on the facts and circumstances of case without being influenced by the observations on the administrative side. He submits that in case of an adverse order, the petitioner should be given liberty to challenge the order in accordance with law. He also submits that the respondents must adhere to the time schedule.

5. Taking the statements on record, we dispose of the writ petition with liberty to the petitioner, if required and necessary, to challenge the order to be passed by the Commissioner. The Commissioner will adhere to the time schedule of 20 days from today.

6. To cut short delay, it is directed that an authorized representative of the petitioner along with necessary papers and documents will appear before the Commissioner on 31st May, 2018 at 11.30 A.M.

7. The writ petition is disposed of without any order as to costs.

Dasti under signature of the Court Master.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MAY 28, 2018
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