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

\+ ITA 881/2018

THE PR. COMMISSIONER OF INCOME TAX -6..... Appellant
Through: Mr. Ruchir Bhatia, Advocate

versus

NEC TECHNOLOGIES INDIA PVT. LTD. ..... Respondent
Through

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

<u>O R D E R</u>

% **17.08.2018**

The impugned order records that the departmental representatives appearing for the Revenue had on last two occasions asked for adjournments, when the matter was listed for hearing. In these circumstances, we do not appreciate and understand why the Revenue has filed the present appeal, questioning the order passed by the Tribunal extending the stay. Perhaps, Tribunal should not have granted adjournment and heard *ex parte* arguments. Revenue cannot be allowed to challenge extension of stay, when they are at fault and to be blamed.

We are also doubtful that an appeal under Section 260A of the Income Tax Act is maintainable.

The appeal is dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

AUGUST 17, 2018/tp