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

\+ W.P.(C) 9126/2017

VODAFONE MOBILE SERVICES LTD ..... Petitioner

Through: Mr. Sachit Jolly, Advocate.

versus

ASST.COMMISSIONER OF INCOME -TAX & ANR. ..... Respondents

Through: Mr. Zoheb Hossain, Sr. Standing Counsel for Revenue.

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

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

% **03.05.2018**

Counsel for the petitioner states that refunds for the period of Assessment Years 2005-06, 2006-07, 2007-08 and 2008-09 have been issued and received by the petitioner. To this extent, the writ petition has become infructuous. It is, however, stated that appeal affect order in respect of the Assessment Year 2007-08 in the case of erstwhile Vodaphone Digilink Limited has not been passed.

2. Counsel for the respondent states that as per instructions received, appeal affect order has been passed in respect of Assessment Year 2007-08 in the case of Vodaphone Digilink Limited.

3. Be that as it may, appeal affect order if already passed would be communicated to the petitioner within a period of four weeks. In case

appeal affect order has not been passed, the Assessing Officer would pass the appeal affect order within four weeks and communicate the same to the petitioner. In case of default, it will be open to the petitioner to file an application for revival of the present writ petition.

4. Petitioner, if aggrieved by the appeal affect order, would be entitled to challenge the same in accordance with law.

5. Recording the aforesaid and with the aforesaid liberty, the writ petition is disposed of.

6. We also clarify that the above order does not in any manner reflect on the merits of the order under Section 281B of the Income Tax Act, 1961 which has been challenged in a separate writ petition.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MAY 03, 2018
MR/NA/VKR