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

+ **W.P.(C) 2575/2019 & CM APPL. 11986/2019**

AVANTIKA MISHRA

..... Petitioner

Through: Ms.Shashi Kiran and Mr.Arjun Sain,
Advocates

versus

INCOME TAX DEPARTMENT & ANR.

..... Respondents

Through: Mr.Aayushmaan, Mr.Ashish Jain and
Mr.Sanjay Kumar, Standing Counsels
for R-1.

Ms.Jagriti Ahuja and Mr.Aditya
Bakshi, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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14.03.2019

The matter has been received on transfer from Division Bench-II.

Notice.

Learned counsels for the respondents accept notice.

The petitioner is aggrieved by the attachment order passed by the respondent No.1 addressed to the Bank Manager, HDFC Bank/respondent No.2 herein.

Learned counsel for the petitioner submits that reading of the attachment order would show that the same pertains to a demand with respect to her deceased father. She submits that no order of attachment has been received by her nor any show-cause notice was issued prior to passing

of the attachment order nor any hearing was granted. She further submits that a direction be issued to the respondents to withdraw the attachment order and in case of any demand, a proper opportunity of hearing be granted to the petitioner in accordance with law.

After some hearing, it is agreed that attachment order dated 18.02.2019 shall be withdrawn subject to the following conditions:

- (i) The department, if so advised will issue a show- cause notice to the petitioner and grant her an opportunity of hearing.
- (ii) Petitioner shall not withdraw Rs.70,50,000/- from the said bank account & FDRs till the disposal of the appeal/proceedings which may be initiated against her after giving her an opportunity of hearing.

With above agreed directions, the writ petition along with pending application is disposed of.

Respondent no.2 shall ensure compliance of the statement made by the petitioner today before the court.

A copy of this order be given *dasti* under signature of court master.

G.S.SISTANI, J

JYOTI SINGH, J

MARCH 14, 2019

SSC

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