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

+ **W.P.(C) 4941/2019**

NORTHEND HOUSING & CONSTRUCTIONS PVT. LTD.

..... Petitioner

Through: Mr. Piyush Kaushik, Advocate.

versus

PRINCIPAL COMMISSIONER OF INCOME TAX-6, NEW DELHI

..... Respondent

Through: Ms. Lakshmi Gurung, Senior
Standing Counsel with Mr. Tushar
Gupta, Junior Standing Counsel.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE PRATEEK JALAN

ORDER

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08.05.2019

W.P.(C) 4941/2019 & CM APPL. 21966/2019 (for stay)

1. The Petitioner has approached this Court for a very limited relief. The Petitioner's appeal being ITAT No. 4296/DEL/2015 (for assessment year 2010-2011) was dismissed by the ITAT for non prosecution on 17th September 2018. The Petitioner filed an application for recall of the said order before the ITAT on 11th February 2019. That application has not been taken up for hearing.

2. Despite three reminders dated 18th March 2019, 11th April 2019 and 2nd May 2019 by the Petitioner to the Vice President of the ITAT through the

Registrar, the said matter has not been listed for hearing.

3. This Court would not like to go into the merits of the said application since that has to be decided by the ITAT. Nevertheless, the Court is of the view that given the nature of the relief sought in the application, it should be taken up by the ITAT forthwith.

4. Accordingly, a direction is issued that the Petitioner's Miscellaneous Application (which has not been numbered) filed on 11th February 2019 in ITAT No. 4296/DEL/2015 (E bench) seeking recall of the order dated 17th September 2018 dismissing the Petitioner's appeal in default will be listed before the ITAT on 31st May 2019. Till that date no coercive steps will be taken by the Revenue against the Petitioner flowing from the dismissal of the Petitioner's appeal in default.

5. The petition is disposed of. The pending application is also disposed of.

6. As prayed, a copy of this order be given *dasti* under the signatures of Court Master.

S. MURALIDHAR, J.

PRATEEK JALAN, J.

MAY 08, 2019

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