$~40

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

\+ W.P.(C) 12065/2019

ESSEL REALTY DEVELOPERS LIMITED ..... Petitioner

Through: Ms.Prem Lata Bansal, Senior Advocate with Mr.Sumit Batra, Ms.Namisha Gupta and Mr.Abhishek Kumar, Advocates

versus

THE ASSISTANT COMMISSIONER OF INCOME TAX ..... Respondent

Through: Ms.Lakshmi Gurung, Senior Standing Counsel and Mr. Dinesh Sharma, Advocate

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 18.11.2019

C.M. No. 49387/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 12065/2019 & CM No. 49386/2019

3. The Petitioner assails the order dated 15th October, 2019 passed by the Assessing Officer (AO) rejecting the prayer of the Petitioner-assessee for stay of the recovery of tax assessed by the AO vide order dated 25th April, 2019.

4. Ms. Bansal, learned counsel for the Petitioner on instructions states that

the Petitioner has already filed an appeal before the CIT (A) against the assessment order dated 25th April, 2019 within the period of limitation. The said appeal is listed before the CIT (A) on 20th November, 2019 i.e. day after tomorrow.

5. In these circumstances, in our view, the Petitioner should press for stay of the demand notice before the CIT (A) in the substantive appeal. In case, the Petitioner moves an application for stay before the CIT (A) or avails an alternative remedy by moving before the Principal Commissioner of Income Tax, the same may be considered on an urgent basis.

6. We make it clear that we have made no observations on the merits of the case filed by the parties.

7. Accordingly, the petition and the application stands disposed of.

VIPIN SANGHI, J

SANJEEV NARULA, J

NOVEMBER 18, 2019

v