jsn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 666 OF 2020

Pr. Commissioner of Income Tax – 7, Mumbai …**Petitioner**

Versus

Goldman Sachs (India) Securities Pvt. Ltd. …**Respondent**

Mr. Suresh Kumar for the Petitioner.

Mr. Madhur Agrawal i/b. Mint & Confreres for Respondent.

CORAM : K.R. SHRIRAM &
R.I. CHAGLA, JJ.
DATE : 13 SEPTEMBER, 2021.

ORDER :

1. Mr. Suresh Kumar states that by an order dated 14th December, 2018, the Income Tax Appellate Tribunal granted stay against any action being taken against Respondent for recovery. Against that order the department filed a Miscellaneous Application for recalling that order of stay. This Miscellaneous Application came to be rejected by an order dated 3rd May, 2019, which is impugned in this Petition.

2. Mr. Agarwal states that main Appeal before the Income

Tax Appellate Tribunal had come up for hearing sometime in last week at which time the departmental representative sought adjournment and the next date fixed is sometime in October, 2021.

3. Mr Suresh Kumar states that if the Court can direct Income Tax Appellate Tribunal to dispose of the Appeal itself on the next date of hearing or at least by 30th November, 2021, this Petition can be disposed of.

4. The stay has been in force for almost three years. The Miscellaneous Application rejecting recall of the order of stay was dismissed almost two and half years ago. The Appeal itself is ripe for hearing. In our view, interest of justice will be met if the Tribunal is requested to dispose of the Appeal on the next date of hearing and in any case by 30th November, 2021.

5. Accordingly, this Petition disposed of and the Income Tax Appellate Tribunal is requested to dispose of the Appeal on or before 30th November, 2021.

[R.I. CHAGLA J.] **[K.R. SHRIRAM, J.]**