

CWP No.12553 of 2021 (O&M)
Date of decision : 17.08.2021

Ritu Dhingra

..... Petitioner

versus

Income Tax Department

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE KARAMJIT SINGH**

Present : Mr. Prateek Gupta, Advocate and
Mr. Alankar Narula, Advocate
for the petitioner.Mr. Rajesh Katoch, Senior Advocate with
Ms. Pridhi Jaswinder Sandhu, Jr. Standing Counsel
for the respondent.

AJAY TEWARI, J. (Oral)

On 20.07.2021 the following order was passed :-

*“On the last date the following order was passed :-**“Primary contention raised by learned Senior Counsel for the petitioner is that respondent had e-mail to the petitioner requiring her to file its response to the Show Cause Notice on or before midnight of 10.06.2021 but proceeded to pass order on 09.06.2021 without waiting for the reply.**Notice of motion.**On asking of this Court, Mr. Sandeep Goyal, Advocate accepts notice on behalf of the respondent and seeks short date to obtain the instructions on this specific issue before we decide whether the petition is to be taken up on other issues or not. Adjourned to 20.07.2021.”**Today Mr. Sandeep Goyal, Advocate seeks more time to get the instructions.**We find the request very unreasonable because this is a very short factual matter.**The matter is adjourned to 10.08.2021.**In the meantime, no coercive steps be taken.”*

Thereafter on 10.08.2021, the following order was passed :-

“Today Mr. Rajesh Katoch, Sr. Standing Counsel has very fairly accepted that though the deadline for filing response was 10.06.2021 yet inadvertently the order was passed on 09.06.2021 and the respondent has no objection if the order is set aside with permission to the respondent to pass a fresh order in accordance with law.

Counsel for the petitioner seeks a short adjournment.

Adjourned to 17.08.2021.”

Today counsel for the petitioner states that he has no objection if the order is set aside and time is granted to the petitioner to file its reply and thereafter the matter shall be decided.

In the circumstances, the petition is allowed with liberty to the respondent to pass fresh assessment order in accordance with law.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(KARAMJIT SINGH)
JUDGE

17.08.2021

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No