19-05-2022
Item No.19
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.8527 of 2022
Majumdar Global IP
-vs-
Union of India & Ors.

Mr. Abhrotosh Majumder, sr. adv.
Mr. Avra Mazumder, adv.
Mr. Paritosh Sinha, adv.
Mr. Amitava Mitra, adv.
Ms,. Antara Choudhury, adv. …for the petitioner

Mr. Vipul Kundalia, adv.
Mr. Anurag Roy, adv. …for the income-tax

Heard learned advocates appearing for the respective parties.

Petitioner has approached this writ court being aggrieved by the impugned order dated April 19, 2022 relating to assessment year 2018-19 (Annexure P4/p.87)) rejecting its application under section 220(6) of the Income Tax Act, 1961 for stay of recovery proceedings during pendency of the appeal in question.

It appears from record that already an order was passed by this court on March 15, 2022 in WPA No.4253 of 2022 in the case of the petitioner directing disposal of the pending appeal in question arising out of the assessment order in question within three months.

It appears from the impugned order dated April 19, 2022 that the assessing officer has asked the petitioner to pay 20% of the disputed demand of Rs.5,78,06,543/- while the petitioner has paid only Rs.10,00,000/- which is 1.72% of the outstanding demand in question.

Considering the submission of the parties, this writ petition being **WPA No.8527 of 2022 is disposed of** by directing the assessing officer concerned not to take any coercive action against the petitioner, if the petitioner pays 10% of the disputed demand, after adjusting with Rs.10,00,000/- which has already been paid, within ten days from date.

In case of default of payment in the above terms, the assessing officer concerned will be free to proceed in the matter.

Since this writ petition has been disposed of without calling for affidavits from the respondents, allegations contained in the writ petition shall be deemed to have been denied by them.

[Md. Nizamuddin, J]