WPA 17615 OF 2022

22.08.2022
Sl no. 5
Ct no. 2
P.M.

Dr. Murari Mohan Koley.
- Vs -
Union of India & Ors.

Mr. S. Bhattacharyya,
Mr. Dipendra Nath Chunder
... for the petitioner
Mr. Tilak Mitra
... for respondent

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition being aggrieved by a communication issued by the respondent Income Tax Authority dated 28th February, 2021 being annexure "P/4" as appears at page 21 of the writ petition by which petitioner was communicated that no appeal in question is pending before the CIT (appeals) concerned.

Mr. Mitra, learned advocate appearing for the respondent Income Tax authority was directed to take specific instruction in the aforesaid regard by the order of this Court dated 10th August, 2022 and today he has produced before this Court a communication dated 17th August, 2022 issued by ITO, Ward 54(1), Kolkata communicating as follows:

"As per office records and systems, no disposal order has been passed by the Ld. CIT(A) after remand of the matter by the Hon'ble ITAT 'C' Bench to the Ld. CIT(A) vide its order dated 05.11.2014."

Considering the submission of the parties and the documents produced by Mr. Mitra, this writ petition being WPA 17615 of 2022 is disposed of by setting aside the communication dated 28th February, 2022 being annexure "P/4" to the writ petition.

It is expected that the CIT (Appeals) concerned will dispose of the pending appeal in question as expeditiously as possible by passing a reasoned and speaking and after giving an opportunity of hearing to the petitioner or its authorized representatives and so far as prayer (a) made in the writ petition, petitioner may approach the authority concerned for consideration of the same in accordance with law.

(Md. Nizamuddin, J.)