

Shakun Gupta

...Petitioner

Versus

Tarun Bajaj and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Rana Gurtej Singh, Advocate and
Mr. Nikhil Goyal, Advocate for the petitioner.Ms. Urvashi Dhugga, Senior Standing counsel, IT
Department.

B.S. Walia, J. (Oral)

1. Prayer in the instant petition is for initiating action against the respondent's for intentional and willful defiance of order, Annexure P/1 dated 24.08.2021 and Annexure P-6 dated 22.02.2022 in CWP No.16326 of 2021.

2. On 08.04.2022, learned Senior Standing counsel, IT Department had requested for an adjournment to obtain instructions and to assist in the matter.

3. Today, learned Senior Standing counsel has produced communication dated 18.04.2022 received by her from the ITO/Ward 6(1)/Mohali/2022-23/395 dated 13.04.2022/18.04.2022 mentioning therein that there was a technical glitch in receiving the stay application if any sent by the assessee on the e-portal. Learned Senior Standing counsel on the basis of aforementioned communication states that in deference to the order of the High Court staying the assessment proceedings, no

coercive steps will be taken in pursuance of the assessment order under Section 143 read with Section 147 of the Income Tax Act, dated 30.03.2022. Learned Senior Standing counsel further, on instructions from Sh. Jasbir Singh, ITO states that assessment came to be made solely on account of a technical glitch and in case an application is moved by the petitioner before the Writ Court for fresh assessment after complying with the procedure laid down in respect thereto, the same would not be opposed to by the Income Tax Department. Unconditional apology has also been tendered.

4. The response of the Income Tax Department satisfies learned counsel for the petitioner, who states that in view of the statement of the learned Senior Standing counsel, the petitioner does not press the instant petition and may be permitted to withdraw the same with liberty to approach the Hon'ble Writ Court in terms of the statement made by the learned Senior Standing counsel.

5. In view of the position noted above as well as statement of learned respective counsel for the parties, the instant petition is disposed of as not calling for any action against the respondents under the Contempt of Courts Act, 1971 while granting liberty to the petitioner as prayed for.

(B.S. Walia)
Judge

19.04.2022

ps

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>