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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Decision delivered on: 02.08.2023**

+ **W.P.(C) 7634/2023**

VIJAY SAGAR

..... Petitioner

Through: Ms Mitika Choudhary, Adv.

versus

INCOME TAX OFFICER CIRCLE 52(1) & ORS. Respondents

Through: Mr Zoheb Hossain, Sr. Standing Counsel with Mr Sanjeev Menon, Jr. Standing Counsel.

Mr Ashish Batra, Sr. Panel Counsel for Respondent/U.O.I.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE GIRISH KATHPALIA

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):

CM No.39136/2023

1. Allowed, subject to just exceptions.

CM No. 39135/2023

2. This is an application filed seeking recall of order dated 30.05.2023.

3. A perusal of the order would show that the petitioner's counsel, i.e., Ms Mitika Choudhary, had made a submission before the Court that she has instruction to withdraw the writ petition, as the assessment order has been passed.

4. Since liberty was sought to take recourse to an appropriate remedy as



per law, leeway in that behalf was granted.

5. It is not disputed by Ms Choudhary that since the order dated 30.05.2023 being passed, a statutory appeal has been preferred.
6. In our view, this application is completely without merit.
7. The same is, accordingly, dismissed.
8. Parties will act based on the digitally signed copy of the order.

**RAJIV SHAKDHER
JUDGE**

**GIRISH KATHPALIA
JUDGE**

AUGUST 2, 2023/RV

Click here to check corrigendum, if any