

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CIVIL APPLICATION (CAW) NO. 1509/2024 IN
WRIT PETITION NO. 1729/2024

(Shri Balkrushna Gopalrao Buty & ors. Vs. The Principal Director (Investigation), Nagpur & ors.)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. A.S. Manohar, Advocate for petitioner/non-applicant.
 Mr. A. Parchure, Advocate with Mr. B. Mohata, Advocate for
 respondents/applicants.

CORAM: VINAY JOSHI AND
SMT. M. S. JAWALKAR, JJ.

DATED : 12/06/2024.

Heard.

2. The respondents/applicants seeks extension of stay to the effect and operation of judgment and order dated 23.04.2024 delivered by this Court under which the entire proceeding initiated by the respondents in terms of Section 132(1) of the Income Tax Act has been quashed. On the date of decision, the learned counsel appearing for respondents sought stay for the reasons to approach to the Apex Court, on which considering the submission, this Court has initially stayed the effect and operation of the judgment and ordered for the period of three weeks. During summer vacation, the stay was extended by the Vacation Bench for four weeks which has expired yesterday.

3. The learned counsel appearing for respondents would submit that they have moved to the appropriate authority for taking steps to challenge the order, but due to vacation of the Apex Court till 08.07.2024, they are unable

to take steps expeditiously. The learned counsel appearing for respondents made a statement that even though the effect and operation of the impugned judgment and order is stayed, they would not take any step against the petitioner. The learned counsel appearing for the petitioners has expressed that if the judgment is not stayed then the petitioners may seek for return of seized articles.

4. On the other hand, the learned counsel appearing for petitioners made a statement that they would not apply for return of articles for four weeks.

5. In view of above statement, we see no reason to stay the effect and operation of the order, hence application stands disposed of.

6. We clarify that the statement made by the learned counsel appearing for parties is taken as an undertaking given to this Court.

7. The learned counsel appearing for respondents has invited our attention that the notice for final disposal issued by this Court has mistakenly mentioned the wrong coram. Since it is inadvertent mistake, record be corrected as per coram which decided the petition on 23.04.2024.

8. Stand over after four weeks.

(SMT. M. S. JAWALKAR, J.)

(VINAY JOSHI, J.)