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

\+ W.P.(C) 16603/2024

OPPO MOBILES INDIA PRIVATE LIMITED .....Petitioner

Through: Mr Kamal Sawhney with Mr Nikhil Agarwal, Mr Puru Medhira and Mr Nishank Vashishtha, Advocates.

versus

DEPUTY COMMISSIONER OF INCOME TAX CENTRAL CIRCLE-30, NEW DELHI .....Respondent

Through: Mr Shlok Chandra, SSC.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **02.12.2024**

1. Issue notice. Mr Shlok Chandra, the learned counsel appearing for the Revenue accepts notice.

2. The petitioner has filed the present petition, *inter alia,* praying as under:

> "(i) Issue a writ of certiorari and/or any other writ, order or direction in the nature of certiorari quashing the Impugned Rejection Letter received on 24.02.2024 (incorrectly dated as 21.02.2023) as bad in law;
> (ii) Issue a writ of mandamus and / or any other writ, order or direction in the nature of mandamus directing the Assessing Officer to allow the Petitioner to convert the amounts lying in its current accounts into annually renewable interest bearing fixed deposits of equivalent amounts in terms of the email dated 29.01.2024 and/or

> modify the orders dated 10.06.2024 under Section 281B of the Act to the extent necessary."

3. The learned counsel for the Revenue has also sought time to take instructions, and consequently, the hearing of the present petition was deferred to post-lunch session.

4. As is apparent from the above, the petitioner merely seeks that its fund which are lying in the current accounts and are attached by the Revenue should be permitted to be transferred to the short-term fixed deposits yielding interest while not disturbing the attachment of the funds in question. The petitioner had also approached the department for seeking a similar relief, however, the same has not been granted.

5. The grievance of the petitioner is that its funds, which have been attached, are lying in the current accounts maintained with the banks are not productive. Whilst the petitioner is not seeking that the attachment be lifted, the petitioner seeks that the funds be kept in an interest-bearing fixed deposits.

6. Mr Chandra states that the assessment order is likely to be passed shortly. He also resits the grant of relief on the ground that the petitioner is not co-operating with the department.

7. It is not necessary for this court to examine the question whether the petitioner is co-operating with the Revenue Authorities. Plainly, the Revenue cannot deny the permission to place the funds in fixed deposits as a punitive measure. The short question to be examined whether there is any credible objection relating to the funds of the petitioner being transferred to interest- bearing fixed deposits.

8. Mr Kamal Sawhney, the learned counsel for the petitioner has drawn

the attention of this court to a letter dated 21.02.2023 sent by the office of the Deputy Commissioner of Income Tax, which sets out the tabular statement mentioning the details of the current account and the balances available. The learned counsel for the parties' state that whilst the tabular statement as set out in the said letter is accurate, the date of the letter should be read as 24.02.2024.

9. The tabular statement as set out in the said letter is reproduced below:

S.N.	Name of the Bank	Account Type	Account No.	Amount provisionally Attached (in INR)
1	CITI Bank N.A.	Current	521915005	99,68,78,795
2	HSBC Bank	Current	54588504001	95,06,04,270
3	HSBC Bank	Current	54588504002	1,28,48,13,160
4	Standard Charted Bank	Current	53105113705	2,76,21,98,223
5	Punjab National Bank	Current	7529002100000817	2,47,11,998
6	Indian Overseas Bank	Current	244702000007000	97,831
7	ICICI Bank	Current	002105023390	52,00,029
8	IDBI Bank	Current	875102000010858	67,13,61,653
			Total	**6,69,58,65,959/-**

10. As noted above, the said tabular statement contains the details of the funds lying in the current accounts which are now attached by the Revenue. Since we find no substance in the objection raised by the Revenue to convert the said amounts into fixed deposits, we consider it apposite to pass the following directions:

(i) The concerned Banks shall open a short-term fixed deposit for a period of six months in regard to the funds lying in the current accounts maintained by the petitioner with the respective banks.

(ii) The Revenue's attachment in respect of the fixed deposits continues to operate till the same are lifted by any order passed by the Income Tax Authorities.

(iii) In the event the Revenue issues any communication for appropriating the said amounts, the concerned bank shall duly comply with the same and remit the amount demanded including any interest that may have accrued.

(iv) If the Banks do not receive any communication from the Department for appropriation of the said fund, the amount kept in the fixed deposit along with interest shall be renewed for further terms of six months successively .

11. The petition is disposed of in the aforesaid terms.

12. All rights and contentions of the parties are reserved. It is clarified that this court has not examined either the merits of the attachment order or any other issue relating to the petitioner's liability under the Income Tax Act, 1961.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

DECEMBER 02, 2024 /tr

Click here to check corrigendum, if any