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

+ W.P.(C) 2043/2006

ADESH TYAGI & ANR

.....Petitioners

Through: Ms Aabginal Chisht, Adv.

versus

ASST.COMMISSIONER OF INCOME TAX

.....Respondents

Through: Mr. Vipul Agrawal SSC with Ms. Sakshi Shairwal, Mr. Akshat Singh, JSCs, Mr. Gaoraang Ranjan and Ms. Harshita Kotru, Advs.

Mr. Setu Niket and Ms. Esha Mazumdar, Advs. for R2

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

12.01.2026

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1. Mr. Vipul Agrawal, learned Senior Standing Counsel for the respondent/Income Tax Department informed that present writ petition has been preferred for setting aside of the *ex-parte* order, passed by the Tribunal in the appeal listed by the company, in which they are directors. He submitted that said appeal itself has been decided by the Income Tax Appellant Tribunal (*hereinafter referred to as 'ITAT'*) on merit, vide its order dated 12.07.2018 (being ITA No. 1492/Del/2005).

2. He added that an appeal there-against filed by the Department being



ITA No. 403/2019 is pending consideration of this Court.

3. He therefore, submitted that the present writ petition *qua* which the petitioners have sought setting aside of the *ex-parte* proceedings, has been rendered infructuous.

4. In view of the statement so made by Mr. Agrawal, the petition is dismissed as having become infructuous.

5. Needless to observe that if any of the petitioners' grievance still subsists, they shall be free to apply for revival of the writ petition.

6. Writ petition so also interlocutory applications stands disposed.

DINESH MEHTA, J

VINOD KUMAR, J

JANUARY 12, 2026/ddd