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

\+ W.P.(C) 14837/2025 CM NO.6776/2026 CM APPL.6777/2026

DINESH INTERNATIONAL LIMITED

.....Petitioner

Through: Mr. P. D. Gupta, Sr. Adv. with Mr. Abhishek Gupta and Mr. Prasant Saxena, Advs.
Mr. Siddhant Buxy, Adv. for applicant.

versus

PRINCIPAL COMMISISONER OF INCOME TAX 1

.....Respondent

Through: Mr. Debesh Panda Sr. Standing Counsel with Ms Anauntta Shankar, Adv.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE VINOD KUMAR

O R D E R

% **02.02.2026**

CM APPL. 6776/2026 (for impleadment),

1. The application seeking impleadment filed by the one of the Directors, Mr. Daya Kishan Goyal, the erstwhile Director of the Company, is dismissed, because, as whatever may be the dispute between the applicant and the remaining Directors, the same is not germane to the issue in hands inasmuch as it is the company's interest, which we are concerned with in the instant case.

2. The application is, therefore, dismissed.

3. However, a liberty is given to pursue his application/reply before learned Single Judge.

W.P.(C) 14837/2025, CM APPL.6777/2026 (exemption)

4. The instant petition has been preferred by the petitioner-assessee for extension of time for depositing the amount under the Direct Tax Vivad Se Vishwas Tak Scheme 2024, (*hereinafter referred to as 'the Scheme of 2024'*) which according to the declaration furnished by the petitioner on 23.12.2024 was up to 31.04.2025.

5. While informing that the application of the petitioner has been accepted and it is supposed to deposit a sum of Rs.2,31,95,152/-, learned counsel for the petitioner submitted that the petitioner-company had received an amount of Rs.20 Crores from Railways, which the Railways had directly deposited with the Registrar of this Court. He submitted that as of today such amount along with the interest has become almost Rs.48 Crores and unless such amount is released to the petitioner, it shall not be able to deposit the amount under the scheme because that is the only asset/fund left with the petitioner company.

6. Learned counsel further submitted that regardless of the final order which is likely to be passed by learned Single Judge in I.A. No. 241/2025 filed in CS (COMM) 701/2017 titled as Daya Kishan Goel v. Ramesh Chandra Goel & Ors, the time for deposition of the amount be extended so that the amount of Rs.2,31,95,152/- along with applicable interest be deposited as the benefit, which the petitioner-company has got out of the scheme would be rendered redundant.

7. Mr. Debesh Panda, learned Senior Standing Counsel for the Income Tax Department, on the other hand, submitted that it was for the petitioner to

have arranged for the funds and since it has failed to comply with the provision of the scheme, no indulgence can be granted to it.

8. In rejoinder, learned counsel for the petitioner relied upon judgment dated 02.11.2022 passed by this Court in the case of ***IA Housing Solution Private Limited Vs. Principal Commissioner of Income Tax-4***, NC No: 2022/DHC/004603 and prayed that similar direction be also issued in the present case.

9. In response to learned counsel's reliance upon the judgment in the case of **IA Housing Solution Private Limited** *(supra)*, Mr. Debesh Panda, learned Senior Standing Counsel for the Department pointed out that the same was passed in peculiar facts of the case and hence, the same cannot be taken to be a precedent. Without prejudice to his arguments, Mr. Panda submitted that the amount in pursuant to the scheme, if allowed to be deposited, interest at the rate of 9% per annum be ordered to be paid as has been done in the case of **IA Housing Solution Private Limited** *(supra).*

10. Having heard learned counsel for the parties and upon perusal of the material on record, we are of the considered view that the fact that the company has become defunct is not in dispute so also the fact that the only remaining asset, which the petitioner's company is having, is the amount of Rs.20 Crores, which the Railway has deposited with this Court.

11. Having considered the submissions, we are of the view that the petitioner was unable to fulfill its obligation under the Scheme due to bonafide reasons. Since the petitioner does not have any other means to meet with the obligation pursuant to the Scheme of 2024, the facts warrant us to pass appropriate order so as to meet the ends of justice, lest the petitioner's benefit flowing from the Scheme of 2024 shall be put to peril.

12. As a special case, we hereby extend the time to deposit the amount by the petitioner company up to 30.04.2026. In case the petitioner deposits the amount of Rs.2,31,95,152/- along with interest at the rate of 9% per annum, the respondent-Income Tax Department shall accept the same. No further extension shall be allowed to the petitioner.

13. The petitioner shall be free to move appropriate application before Single Judge in the CS (COMM) 701/2017 along with copy of this order, with a prayer that appropriate direction be issued so as to disburse the requisite amount to the petitioner in order to ensure that the amount with interest is deposited by 31.03.2016 or the amount be ordered to be directly deposited with the Income Tax Department.

14. Mr. Debesh Panda, learned Senior Standing Counsel for the respondent will have all rights to raise all just objections in the suit aforesaid.

15. Petition stands allowed.

16. Pending applications, if any, are also disposed of.

DINESH MEHTA, J.

VINOD KUMAR, J.

FEBRUARY 2, 2026/dd