

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 5149/2014 and CM Nos. 10267-68/2014

CHARU HOME PRODUCTS PVT LTD Petitioner

Through: Mr Abhimanyu Jhamba, Advocate

versus

COMMISSIONER OF INCOME TAX-1,

NEW DELHI and ORS. Respondents

Through: Mr Kamal Sawhney and Mr Sanjay Kumar, Advocates for income tax

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

O R D E R

13.08.2014

This writ petition is directed against the order dated 06.08.2014 passed by the Additional Commissioner of Income Tax with the approval of the CIT, Delhi-I, New Delhi. By virtue of the said order dated 06.08.2014 the stay application filed by the petitioner has been rejected. We have gone through the impugned order dated 06.08.2014. The learned counsel for the petitioner has also taken us through the instruction No. 96 of 1969 as well as instruction No. 1914 of 1993. We have also examined the decision of this court in the case of *Soul v. DCIT: 323 ITR 305 (Delhi)* and, in particular, paragraph 8 thereof where the above mentioned two instructions have been considered as also the earlier decision of this court in *Valvoline Cummins v. DCIT: 307 ITR 103 (Delhi)*. Considering the same, we feel that it would be appropriate if the ACIT reconsiders the application of the petitioner for stay in the light of the observations contained in the said decision [*Soul v. DCIT (supra)*]. This is so because according to the petitioner the assessment is a high pitched one inasmuch as it is approximately 17 times of the returned income. Consequently, we set aside the impugned order dated 06.08.2014 and remit the matter to the ACIT, Range-3, New Delhi for a fresh consideration of the stay application filed by the petitioner after taking into account the above mentioned decision of this court.

The writ petition stands disposed of. All pending applications stand disposed of.

Dasti.

BADAR DURREZ AHMED, J

SIDDHARTH MRIDUL, J

AUGUST 13, 2014