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

+ W.P.(C) 1449/2020

M/S ESSJAY ERICSSON PRIVATE LIMITED,

..... Petitioner

Through: Mr. Puneet Aggarwal, Mr. Yuvraj Singh, Ms. Hemlata Rawat and Mr. Gaurav Gupta, Advs.

versus

COMMISSIONER OF INCOME TAX, NEW DELHI & ORS.

..... Respondent

Through: Ms. Lakshmi Gurung, Mr. Talha AR, Mr.Dinesh Sharma and Mr. Siddharth Gupta, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

**07.02.2020**

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**C.M. No. 5013/2020**

Exemption allowed, subject to all just exceptions. The application stands disposed of.

**W.P.(C) 1449/2020 and C.M. No. 5012/2020**

Issue notice. Learned counsel for the respondents accepts notice.

We have heard learned counsels and proceed to dispose of the petition at this stage itself. No counter-affidavit is called for in view of the order that we propose to pass.

The grievance of the petitioner is with regard to the rejection of the petitioner's application under Section 220(6) by the Assessing Officer vide order dated 23.01.2020 and the consequent attachment of the bank accounts of the petitioner. We are informed that the petitioner's appeal is already pending before the CIT (Appeals).

We permit the petitioner to immediately file the stay application before the CIT (Appeals). The CIT (Appeals) shall consider the same and pass an order thereon within two weeks without being influenced by the order dated 23.01.2020 passed by the Assessing Officer on the stay application under Section 220(6). The bank accounts of the petitioner already stand attached and the amounts recovered. In case, the CIT (Appeals) grants relief after hearing the assessee, to the extent that any amount may have been recovered in excess of the amount in respect of which stay is not granted, the same shall be restituted to the petitioner by the respondent.

It goes without saying that CIT (Appeals) shall pass a reasoned order on the stay application filed by the assessee.

The petition stands disposed of in the aforesaid terms.

Order dasti under the signatures of the Court Master.

**VIPIN SANGHI, J**

**SANJEEV NARULA, J**

**FEBRUARY 07, 2020**

*N.Khanna*