$~**A-28**

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

\+ **W.P.(C) 7907/2021 & CM APPL.43092/2021**

M/S JAYESHKUMAR AND CO. ..... Petitioner

Through: Ms.Rishi Jaiswal, Advocate.

versus

UNION OF INDIA & ANR. ..... Respondents

Through: Mr.Pratyaksh Gupta, Advocate.

% Date of Decision: 25th January, 2022

**CORAM:**
**HON'BLE MR. JUSTICE MANMOHAN**
**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**JUDGMENT**

**MANMOHAN, J (ORAL)**

1. The petition has been heard by way of video conferencing.

2. Present writ petition has been filed seeking directions to the respondent to release the seized amount of Rs.12,00,000/- along with the interest.

3. Learned counsel for the petitioner states that despite the completion of the assessment proceedings against the Petitioner and having proven that the seized amount lawfully belongs to the petitioner, the respondents have not released the amount to the petitioner even after multiple letters and requests. He states that this action of the respondents of illegally retaining the seized assets of the petitioner is in direct contravention of the rules and regulations

pertaining to release of seized assets laid down vide Circular bearing F.No.286/6/2008-IT (Inv. II) dated 21st January, 2009 passed by the Central Board of Direct Taxes ('CBDT'). He further states that Section 132B(3) of the Income Tax Act, 1961 (the 'Act') clearly indicates that the seized assets or proceeds thereof which remain after the liabilities referred to in Section 132B(1)(i) have been discharged, have to be forthwith made over or paid to the persons from whose custody the assets were seized.

4. The whole dispute in the present proceedings was as to where the seized amount was lying i.e. in Delhi or Ahmedabad.

5. Now, learned counsel for the respondents admits that the seized amount is lying in Delhi in PD Account Pr.CIT-10.

6. Since the PAN of the assessee is based in Ahmedabad, the Pr.CIT-10 is directed to transfer the seized amount of Rs.12,00,000/- to the petitioner's Assessing Officer in accordance with law within two weeks. It shall be open to the petitioner to apply to his Assessing Officer for refund of the seized amount in accordance with the assessment order dated 2nd November, 2010.

7. With the aforesaid direction and liberty, the present writ petition and pending application are disposed of.

**MANMOHAN, J**

**NAVIN CHAWLA, J**

**JANUARY 25, 2022**
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