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

\+ W.P.(C) 10525/2024, CM APPL. 43259/2024 (Stay)

MANITOU EQUIPMENT INDIA PRIVATE LIMITED .....Petitioner

Through: Mr. Kamal Sawhney, Mr. Arun Bhaduria, Mr. Nishank Vasishta, Mr. Nikhil Agarwal, Advs.

versus

DISPUTE RESOLUTION PANEL & ORS. .....Respondents

Through: Mr. Gaurav Gupta, SSC with Mr. Shivendra Singh, Mr.Yojit Pareek, Advs.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **31.07.2024**

1. Notice. Since the respondents are duly represented by learned counsel, let a reply be filed within a period of four weeks from today. The petitioner shall have two weeks therefrom to file a rejoinder affidavit.

2. Prima facie, we find merit in the challenge which stands raised with Mr. Sawhney drawing our attention to the fact that the assessment for Assessment Year 2020-21 in terms of the timelines framed by Section 153 of the Income Tax Act, 1961 [“**Act**”] was to be completed by 30 September 2023.

3. Undisputedly, the directions which came to be framed by the Dispute Resolution Panel [“**DRP**”] are dated 27 June 2024. Mr. Sawhney raises a more fundamental question bearing in mind the

directions which have been framed by the DRP and which requires the Transfer Pricing Officer ["**TPO**"] to undertake an exercise afresh. This, according to learned counsel, would clearly not sustain in light of sub-section (8) of Section 144C and which reads thus:-

> "144C. Reference to Dispute Resolution Panel
>
> xxxx xxxx xxxx
>
> (8) The Dispute Resolution Panel <u>may confirm, reduce or enhance</u> the variations proposed in the draft order so, however, that it shall not set aside any proposed variation or issue any direction under sub-section (5) for further enquiry and passing of the assessment order."

4. We take note of similar challenges which presently form subject matter of W.P.(C) 11060/2023 as well as W.P.(C) 15603/2023.

5. In the meanwhile, we stay further proceedings pursuant to the TPO order 27 July 2024.

6. List again on 04.11.2024.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

JULY 31, 2024/neha