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

\+ W.P.(C) 12775/2024 & CM APPL. 53268/2024 (Interim Stay)

TOLL GLOBAL FORWARDING INDIA PRIVATE LIMITED .....Petitioner

Through: Mr. Kamal Sawhney, Mr. Arun Bhadauria, Mr. Nishank Vashistha, Advocates.

versus

DISPUTE RESOLUTION PANEL 1 & ORS. .....Respondents

Through: Mr. Anant Mann, JSC for Mr. Ruchir Bhatia, SSC with Mr. Abhishek Anand and Mr. Pranjal Singh, Advocates.

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

O R D E R

% 11.09.2024

1. Notice. Since the respondents are duly represented by Mr. Mann, learned counsel, let a reply be filed within a period of six weeks. The petitioner shall have three weeks therefrom to file a rejoinder affidavit.

2. Let the matter be called again on 20.12.2024.

3. Prima facie we find merit in the contention which is urged by Mr. Sawhney, learned counsel for the petitioner, who draws our attention to Section 144C(8) of the Income Tax Act, 1961 [‘**Act**’] and which confers a power on the Dispute Resolution Panel **[‘DRP’**] to confirm, reduce or enhance the variations proposed in the draft order. Mr. Sawhney submits that it would be impermissible for the DRP to

frame directions for further enquiries being undertaken by either the Assessing Officer [‘**AO**’] or the Transfer Pricing Officer concerned. Matter requires consideration.

4. We accordingly, and till the next date of listing, stay the operation of the assessment order issued by the AO dated 23 July 2024.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

SEPTEMBER 11, 2024/_vp_