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

\+ W.P.(C) 14123/2024

DLF HOME DEVELOPERS LIMITED .....Petitioner

Through: Ms Kavita Jha, Senior Advocate with Mr Vaibhav Kulkarni and Mr Akash Shukla, Advocates.

versus

ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 7(1) & ANR. .....Respondents

Through: Mr Indruj Singh Rai, SSC with Mr Sanjeev Menon, Mr Rahul Singh and Mr Anmol Jagga, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 07.10.2024

CM APPL. 59185/2024 (Exemption)

1. Exemption is allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 14123/2024 and CM APPL. 59184/2024

3. Issue notice.

4. The learned counsel appearing for the respondents accepts notice.

5. It is the petitioner's case that the allegation of escapement of income, on the basis of which re-assessment proceedings have been initiated, has already been brought to tax and the petitioner has filed an appeal before the Commissioner of Income Tax (Appeals), which is pending. The petitioner also points out that the re-assessment proceedings had been initiated on an earlier occasion as well on the same allegation and two re-assessment

proceedings are not permissible.

6. The learned counsel for the respondents seeks time to take instructions and if necessary, file a counter affidavit. Let the same be filed within a period of one week from date. Rejoinder, if any, be filed before the next date of hearing.

7. In the meanwhile, any proceedings initiated in respect of the impugned notice issued on 31.08.2024 under Section 148 of the Income Tax Act, 1961 in respect of the assessment year 2018-19 is stayed.

8. List on 22.10.2024.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

OCTOBER 07, 2024

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Click here to check corrigendum, if any