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

+ **W.P.(C) 14590/2024**

RUKAM CAPITAL TRUST

.....Petitioner

Through: Mr Sachit Jolly, Mrs Mansha Anand,
Mr Abhyudaya Shankar Bajpai and
Mr Aditya Rathore, Advocates.

versus

DEPUTY COMMISSIONER INCOME TAX

CIRCLE 49 1 DELHI & ANR.

.....Respondents

Through: Mr Gaurav Gupta, Senior Standing
Counsel with Mr Shivendra Singh,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **18.10.2024**

CM APPL. 61223/2024 (Exemption)

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

W.P.(C) 14590/2024 and CM APPL. 61224/2024

3. Issue notice.
4. The learned counsel appearing for the respondents accepts notice.
5. The petitioner has filed the present petition, *inter alia*, impugning an order dated 27.09.2024 passed by respondent no.1 under Section 270AA of the Income Tax Act, 1961 (hereafter *the Act*) in respect of the assessment year (AY) 2022-23 and the consequential penalty proceedings. The petitioner also impugns the penalty order dated 27.09.2024 passed under Section 270A of the Act.



6. It is the petitioner's case that there has been, in fact, no misreporting of income as referred to in Section 270A(9) of the Act and therefore, the petitioner's application for immunity under Section 270AA(1) of the Act could not be rejected on the said ground. *Prima facie*, it appears from the assessment order dated 26.03.2024 passed under Section 143(3) of the Act that additions have been made on account of disallowance of certain expenditure on the ground that such expenses were not allowable. There appears to be no allegation that the quantum of expenses was incorrectly reported.

7. Let the counter affidavit be filed within a period of two weeks from date. Rejoinder, if any, be filed before the next date of hearing.

8. List on 12.11.2024.

9. In the meanwhile, no coercive steps be taken for recovery of the penalty as imposed in terms of the impugned penalty order.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

OCTOBER 18, 2024
RK

[Click here to check corrigendum, if any](#)