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

\+ W.P.(C) 16750/2024

SMS PARYAVARAN LIMITED THROUGH ITS AUTHORIZED REPRESENTATIVE .....Petitioner

Through: Mr. Vivek Sarin, Mr. Dhruv Dev Gupta and Ms. Divyanshi Singh, Advocates.

versus

ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 22-2 DELHI AND ANR. .....Respondents

Through: Mr. Puneet Rai, Sr. Standing Counsel alongwith Mr. Ashvini Kumar and Mr. Rishabh Nangia, Standing Counsel for IT Department.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% **25.02.2025**

CM APPL. 11410/2025 (Early Hearing)

1. Counter affidavit by the department shall positively be filed within two weeks or they shall have instructions as to whether the instant petition is covered by the judgment of the Court in ***Ghanshyam Mishra & Sons Private Limited vs. Edelweiss Asset Reconstruction Co. Ltd. & Ors.,*** **(2021) 9 SCC 657** and two other judgments of this Court passed in ***W.P.(C) 10528/2022*** *titled* ***TUF Metallurgical Pvt. Ltd. vs. Union of India & Anr*** and **LPA 964/2025** titled ***Union of India vs. OCL Iron and Steel Limited*** decided on 22.10.2024.

2. It is stated by the learned counsel for the petitioner that proceedings

u/s 148 of the Income Tax Act have been initiated, though the writ petition is pending.

3. Learned counsel for the petitioner has stated that though the issues raised in this petition are still pending consideration, however, in the meanwhile, the Revenue has issued a final notice of the initiation of the proceedings under Section 148 of the Income Tax Act. The said notice has been handed over to learned counsel for respondent.

4. Accordingly, we provide that if on completion of the said proceedings, any final assessment order is passed adverse to the petitioner, the same shall not be given effect to till the next date of hearing.

5. The application stands disposed of.

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6. List on the date fixed i.e. 17.04.2025.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

FEBRUARY 25, 2025
kct