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

\+ CS(OS) 264/2016

MR NARENDER KUMAR ..... Plaintiff

Through: Mr. Hemant Chaudhri & Mr. Shaurya Pushpam, Advs.

Versus

MRS RAJ RANI MITTAL & ORS ..... Defendants

Through: Ms. Prachi Gupta, Adv. for D-1 to 3
Mr. Manoj Kumar Mishra, Adv. for LRs of D-4
Mr. Rajveev Aggarwal, Standing counsel for Department of Trade & Taxes (Mob.9810341151)

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. PRIYA MAHENDRA, (DHJS)

O R D E R

% **31.01.2023**

Proceeding-2.00 p.m. to 2.27 p.m.
Evidence-2.05 p.m. to 2.25 p.m.
Pages-1

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The matter is listed for further PE. Summoned witness Ms. Sujata P. Kaul, who was bound down on the last date of hearing, is not present today. At this stage, Mr. Rajveev Aggarwal, Standing counsel for Department of Trade & Taxes is present and seeks exemption for personal appearance of the said witness for today on the ground that she is not available today in the office. Learned counsel further submits that he undertakes to file the proper reply/produce the documents within one week. Let needful be done as stated. In view of submissions made, exemption request for Ms. Sujata Kohli, is allowed.

Mr. Sandeep Sagar (Mob.9013850208), Inspector of Income Tax, Ward No.47(1), Office of Principle Commissioner of Income Tax-10, New Delhi is present and produced one response/letter of Mr. Puneet Kumar Gupta, Income Tax Officer, Ward-47(1), New Delhi in response to Show Cause Notice issued under Order XVI Rule 12 of CPC. It is stated by the learned counsel for the plaintiff that the plaintiff has summoned the complete record of Income Tax Returns filed by the plaintiff, Mr. Narender Kumar (**PAN NO.AEMPM1570M)** for the Assessment Years 1998-99 to 2007-08 from Principle Commissioner, Income Tax. He further submits that he has already filed the Income Tax Returns filed by the plaintiff for the said Assessment Years, which are exhibited as Ex.PW1/2 to Ex.PW1/12, and the same bear the stamp of the Income Tax Department. Still, the summoned record has not been produced even today and some ITR processing orders have been produced alongwith the said letter. In view of said submission, Mr. Sandeep Sagar, present today, is asked to explain repeated non-compliance of the orders/summons of the court. He exhibits complete ignorance and submits that he is only a carrier and produced the letter/documents at the instance of his superior official.

In view of above, the Registry is directed to send Show Cause Notice to Mr. Puneet Kumar Gupta, Income Tax Officer Ward.47(1), New Delhi to appear personally on the next date of hearing with written explanation. In the meantime, the learned counsel for the plaintiff is directed to give photocopy of the aforesaid documents i.e.

Ex.PW1/2 to Ex.PW1/12 to Mr. Sandeep Sagar, who shall handover the same to Mr. Puneet Kumar Gupta and Mr. Puneet Kumar Gupta is directed to produce the record relating to the said ITRs, if available, on the next date of hearing.

Mr. Bablesh Kumar, Civil Defence Volunteer from the office of Sub-Registrar III, Asaf Ali Road, New Delhi is present in response to summons but has not produced the requisite summoned records without furnishing any explanation. In view of the same, the Registry is directed to send Show Cause Notice to Sub-Registrar III, Asaf Ali Road, New Delhi, to appear personally on the next date of hearing alongwith written explanation and requisite summoned records.

<u>At 2.15 p.m.</u>

At this stage, Mr Puneet Kumar Gupta, Income Tax Officer is present and tenders unconditional apology for the lapses and seeks four weeks' time to produce requisite record. Mr. Puneet Kumar Gupta is bound down to appear on the next date of hearing with complete records.

Mr. Ajay Singh (PW3) is present, examined-in-chief and cross-examined by defendant no.1 to 3. His cross-examination on behalf of LRs of D-4 is recorded as Nil. Accordingly, the witness stands discharged. Diet money has been paid to the witness.

Re-notify the matter for further PE on 17.04.2023.

PRIYA MAHENDRA (DHJS)
JOINT REGISTRAR (JUDICIAL)

JANUARY 31, 2023/ab

<u>Click here to check corrigendum, if any</u>