

OD-21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/374/2025

VISHNU ENGINEERING CORPORATION
VERSUS
UNION OF INDIA & ORS.

BEFORE :
THE HON'BLE JUSTICE RAJA BASU CHOWDHURY
Date : 26th June, 2025

Appearance :
Mr. Rishabh Karnani, Adv.
Ms. Mou Saha, Adv.
...for the petitioner
Mr. Tilak Mitra, Adv.
...for the respondents

1. Although, the writ petition has been filed, inter alia, challenging the order dated 28th April, 2025 passed under Section 220 Sub-section 6 of the Income Tax Act, 1961 (hereinafter referred to as 'the said Act') for treating the petitioner not to be in default during the pendency of the appeal from the assessment order passed under Section 143(3) of the said Act, for the assessment year 2023-24, however, it appears that the assessing officer relying on a CBDT Circular dated 31st July, 2017 has observed that the petitioner is entitled to stay of the demand subject to payment of 20% of the demanded amount and the same having not been complied with, the application filed by the petitioner stood rejected.

2. Though the learned Advocate for the petitioner would submit that the aforesaid order has been passed mechanically without considering the financial condition of the petitioner and in a high-pitched assessment, however, in my

view, upon hearing the parties without going into the aforesaid and by taking into consideration the fact that the appeal has been filed by the petitioner on 17th April, 2025 and is pending before the Joint Commissioner (Appeals)/the Commissioner of Income Tax (Appeals), it would appropriate to direct the Joint Commissioner (Appeals) or the Commissioner of Income Tax (Appeals), as the case may be, to hear out and dispose of the appeal as expeditiously as possible but not later than three months from the date of communication of this order.

3. It is made clear that if the appeal is not disposed of within three months, the petitioner shall be at liberty to apply for stay before the appellate authority in which case the appellate authority shall consider the prayer on such terms and condition, as it may deem fit, having regard to the assessment being a high-pitched assessment and noting the then financial status of the petitioner.

4. With the above observation, the writ petition stands disposed of.

(RAJA BASU CHOWDHURY, J.)

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