

(2011) 03 MP CK 0004

In the Madhya Pradesh High Court

Case No : Writ Petition No"s. 3464, 3466, 3468, 3471 to 3473, 3488, 3490 and 3492 to 3494 of 2011

Hitesh Mehta and Others

APPELLANT

Vs

Asstt. CIT and Others

RESPONDENT

Date of Decision : 01-03-2011

Acts Referred:

Citation : (2012) 248 CTR 215

Hon'ble Judges : Sushma Shrivastava, J;K.K. Lahoti, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

1. Looking to the controversy involved in this case, Writ Petn. Nos. 3464 of 2011. 3466 of 2011. 3468 of 2011, 3471 of 2011, 3472 of 2011, 3473 of 2011, 3488 of 2011, 3490 of 2011, 3492 of 2011, 3493 of 2011 and 3494 of 2011 are being decided by this common order. For convenience, facts are taken from Writ Petn. No. 3464 of 2011. It is stated at the Bar that in all the cases, order is identical in nature.

2. The petitioner has sought the following reliefs :

(1) To direct the respondent Nos. 1 and 3 to decide the stay application of the petitioner.

(2) To direct respondent No. 3 to hear the appeal of the petitioner expeditiously and

(3) To issue any other writ, order or direction as this Hon"ble Court deems just and fair in the facts and circumstances of the case to give relief to the petitioner.

3. Learned counsel appearing for the petitioner submitted that petitioners appeals against the assessment order dt. 31st Dec, 2010 for the assessment years 2003-04 to 2009-10 are pending before respondent No. 3. The petitioner has also filed an application seeking stay of the recovery on 7th Jan., 2011 but

till date, the applications in all the appeals have not been considered. It is submitted that respondent No. 3 be directed to consider the stay application and also decide the appeal expeditiously.

4. Shri Sanjay Lal, learned counsel for the respondents submitted that a period of three months be allowed to respondent No. 3 to decide the appeal and also the stay application.

5. After hearing learned counsel for the parties, we find that so far as stay application is concerned, it deserves consideration within a reasonable period and we direct respondent No. 3 to consider the aforesaid application expeditiously. Similarly all the appeals filed by the petitioner may be disposed of as per the statement made by Shri Sanjay Lal, learned counsel for the respondents.

6. In view of the aforesaid, the petition is disposed of with the following directions :

(1) Petitioner to file applications in all the appeals for hearing on stay application, stated to be filed on 7th Jan., 2011.

(2) Respondent No. 3, on filing of aforesaid applications shall consider and decide the applications for stay, expeditiously as far as possible within a period of 15 days from the date of filing of such applications.

(3) So far as appeals are concerned, the respondent No. 3 shall make an endeavour to decide the aforesaid appeals as far as possible, within a period of three months, as stated by Shri Sanjay Lal, learned counsel for the respondents.

(4) Till the application for stay is decided or for a period of three weeks, respondents shall not take any coercive action against the petitioner for enforcing recovery in question.

7. Considering the facts of the case, there shall be no order as to costs.