

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH, "Friday" BENCH NEW DELHI
BEFORE SHRI U.B.S. BEDI, JUDICIAL MEMBER
AND

SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER

Stay Application No. 406/Del/2013
(In ITA No. 5401/Del/2012)
A.Y. : 2008-09

M/s Pyramid IT Consulting Private Limited,
325, Tarun Enclave, Pitam Pura,
New Delhi - 110 034
(PAN : AAACW4544J) vs. Income Tax Officer,
Ward 14(4), CR Building, New
Delhi

Assessee by : Sh. Ashutush Rastogi, Adv.
Department by : Smt. Minakshi Bohra, D.R.

ORDER

PER SHAMIM YAHYA: AM

By way of this Stay Application, assessee seeks extension of stay of outstanding demand of 9,65,390/-. The assessee in this case has been granted Stay by this Tribunal in Stay Application No. 18/Del/2013 vide order 22.3.2013. Now it is the submission of the Ld. Counsel of the assessee that the appeal of the assessee was not heard by the Tribunal for no default of the assessee. The appeal was not heard either due to the fact that Bench did not function or there was paucity of time or the Ld. Departmental Representative had sought adjournment. In these circumstances, Ld. Counsel of the assessee prayed that Stay should be extended in this case. On the other hand, Ld. Departmental Representative submitted that assessee should be asked to provide security on account of balance amount of tax and interest due.

2. We have carefully heard the rival submissions and perused the records. We find that earlier vide order dated 22.3.2013 the Tribunal has



granted the stay to the assessee and as per the condition of the Stay, the assessee was required to pay a sum of Rs. 3,00,000/- upto 31.3.2013. We find that the condition specified in the aforesaid Tribunal's order has been duly complied with by the assessee. It is also emanating that the Appeal of the assessee could not be heard for no default on the part of the assessee. In these circumstances, assessee cannot be said to have contributed to the fact that the Appeal has not yet been heard by the Tribunal. In these circumstances, we opine that Stay granted to the assessee should be extended. Accordingly, we extend the Stay granted in this case for a period of three months or the till the disposal of the appeal, whichever event occurs first, effective from the date of this order.

3. In the result, the Stay Application filed by the assessee is allowed in the manner aforesaid.

Order pronounced in the Open Court on 22/11/2013, upon conclusion of hearing.

[U.B.S. BEDI]
JUDICIAL MEMBER
Date 22/11/2013

SRBHATNAGAR

Copy forwarded to:-

1. Appellant 2. Respondent 3. DIT 4. CIT (A)
5. DR, ITAT

TRUE COPY

By Order,

[SHAMIM YAHYA]
ACCOUNTANT MEMBER



Assistant Registrar, ITAT, Delhi Benches

सहायक रजिस्ट्रार,

Assistant Registrar,

आयकर अपीलिय अधिकरण

Income-tax Appellate Tribunal

दिल्ली पीठ, नई दिल्ली

Delhi Benches, New Delhi