

**IN THE HIGH COURT OF DELHI****Writ Petition (C) No.1583/2008****Date of decision: 27th February, 2008**

SHRI DEEPAK KR. SINGH @ AJAY KUMAR ... Petitioner
through Counsel for the petitioner.

VERSUS

THE CHIEF COMMISSIONER OF INCOME TAX Respondent
through Mr. Dalip Mehra, Advocate for the
Respondent no.4.

CORAM:**HON'BLE MS. JUSTICE GITA MITTAL.**

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

GITA MITTAL, J (Oral)

1. This writ petition has been filed by the petitioner submitting that he was working as informer to the Income Tax Department in national interest. The petitioner as such was entitled to a reward amount equivalent to 20% of the tax liability which was assessed, based on information given by the petitioner. According to the petitioner, he gave extensive information on 13th January, 2004 to the officers of the respondent about tax evasion/theft by M/s Prabhat Jarda Group of Companies based whereupon the respondent has effected the assessment of income tax and has even collected a sum of



Rs.5.5 crores from this group of companies based on income and tax evasion informed by the petitioner.

2. In view of the above, the respondent paid an amount of Rs.1,00,000/- on 12th May, 2004 to the petitioner as an interim reward amount subject to payment of further amount after final assessment of the income tax payable by M/s Prabhat Jarda Group of Companies. The writ petition has been filed on the plea that despite the assessment having been completed, the respondent has failed to release the balance amount despite the reminders and legal notice dated 8th January, 2008 & 17th January, 2008.

3. My attention is drawn to a letter dated 23rd January, 2008 issued by the Joint Director of Income Tax (Administration) informing the petitioner that the afore-noticed assessee has filed an appeal assailing the assessment effected which appeal is pending before CIT (A)-III, New Delhi. The respondent has informed the petitioner that the final outcome of the case would be processed after the appeal is finally decided by the Appellate Tribunal.

4. In this view of the matter, the respondent has at no point of time, disputed liability to pay the final reward amount to the petitioner which is pending adjudication in the appeal filed by the assessee so that the final tax amount which is recovered

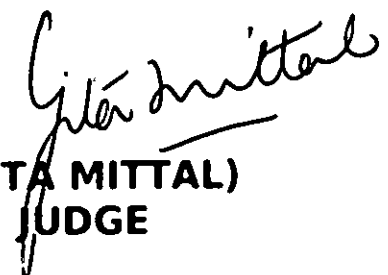


can be ascertained by the authority. The grievance of the petitioner in this writ petition is, therefore, misconceived and the writ petition is premature.

5. This writ petition is, accordingly, disposed of with the direction that the respondent shall ensure that upon final adjudication in the appeal filed by the assessee, the amount payable to the petitioner as the final reward amount shall be computed and paid expeditiously.

6. In case there is any assessed amount of tax which is based on information given by the petitioner and is not the subject matter of any appeal, the respondent may assess the reward amount which may be payable to the petitioner on such assessment and shall pay the same to the petitioner within six weeks from today.

Dasti.


(GITA MITTAL)
JUDGE

February 27, 2008

aa