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

Order reserved on :08th February, 2018
Order pronounced on :26th February, 2018

+ CRL. REV. P. 16/2015

M/S. AMBIENCE HOSPITALITY PVT. LTD. Petitioner

Through: Mr. K. R. Manjani, Advocate.

versus

DY. COMMISSIONER OF INCOME TAX Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

SANGITA DHINGRA SEHGAL, J.

Crl. M. A. No. 1423/2018 (Recalling of order dated 23.11.2017)

By way of the present application, the petitioner seeks recalling/rectification of order dated 23. 11.2017 of this Court, on the ground that few clerical mistakes as detailed in para 3 of the application (running into 7 pages) have occurred which have bearing on the decision of this Court.

Arguments have been heard. Written submissions (undated) filed by the petitioner have also been perused.

During the course of the arguments, learned counsel for the petitioner submitted that final arguments were heard on 15.11.2017 and therefore, the order was reserved. According to him, he was directed to file written



arguments within 15 days which he could not prepare till 23.11.2017 as his stenographer had left the services on getting a Government job and when he went to file the written arguments on 24.11.2017, he came to know that order had already been pronounced on 23.11.2017.

Order dated 15.11.2017 reads as under:

*“Arguments on the main petition heard.
Judgment reserved.”*

Reading of aforesaid makes it abundantly clear that no directions for filing the written arguments were ever given to the counsel for the petitioner. Thus, it is factually incorrect that written arguments were to be filed within 15 days by the petitioner.

According to learned counsel for the petitioner, when he came to Courts for filing of written arguments on 24.11.2017, he came to know that order had already been pronounced on 23.11.2017 is belied from the record as the matter was listed for pronouncement of order on 23.11.2017 at 2:30 p.m.. As on merits, while going through paras 3 (I) to (V) of the application, it is clear that infact learned counsel for the petitioner is asking for re-hearing of the matter and a fresh decision in the garb of present application seeking recalling/rectification of the order dated 23.11.2017.

The application being devoid of any merit, is dismissed. However, the petitioner is at liberty to take appropriate steps as available to him in accordance with law.

SANGITA DHINGRA SEHGAL, J

FEBRUARY 26, 2018

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