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

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Date of Decision : 25.04.2025+ **W.P.(C) 5330/2025 & CM APPL. 24274/2025 (Exemption)**

ALIM AHMAD

.....Petitioner

Through: Mr. Kaushik, Mr. Ram Naresh, Mr.
Ajay Kr. Jain, Advocates.

versus

INCOME TAX OFFICER WARD - 58(1) & ANR.Respondents

Through: Mr. Gaurav Gupta, SSC with Mr.
Shivendra Singh, JSC and Mr. Yojit
Pareek, JSC for Revenue.**CORAM:****HON'BLE MR. JUSTICE VIBHU BAKHRU****HON'BLE MR. JUSTICE TEJAS KARIA****VIBHU BAKHRU, J. (ORAL)**

1. The Petitioner has filed the present petition, *inter alia*, praying as under:

“A. Issue a writ of and/or order and or directions in the nature of certiorari, prohibition, mandamus or any other appropriate writ, order or direction directing the department to Refund the Tax recovered in the tune of Rs Rs 5,06,436 into the account of the Petitioner along with interest in accordance of Law

AND

B. Award cost of litigation;

AND

C. Issue a writ in nature of mandamus or any other writ,



order or direction, as deemed fit and proper in the facts and circumstances of the present case.”

2. The Petitioner had filed his return of income for the Assessment Year [AY] 2020-21 on 14.01.2021 declaring an income of ₹4,07,720/-. The said return was selected for scrutiny. The notice under Section 143(2) of the Income Tax Act, 1961 [**the Act**] and notices under Section 142(1) of the Act were issued by the Assessing Officer [AO].
3. The proceedings culminated in an assessment order dated 20.09.2022, whereby the AO made an addition of ₹28,72,109/-. The AO also issued a notice of demand for ₹11,01,646/-.
4. Aggrieved by the same, the Petitioner filed an appeal before the Commissioner of Income Tax (Appeals) [CIT(A)]. While the appeal was pending, the Revenue took steps for recovery of the outstanding demands, including through the coercive method of attaching the petitioner’s bank account and withdrawing a sum of ₹3,34,301/- from the said account. In addition, the AO also adjusted the refund due for other assessment years against the outstanding demand.
5. The petitioner states that he succeeded in his appeal before the CIT(A) and by an order dated 29.10.2024, the assessment order passed by the AO, making an addition was set aside. Thereafter, on 27.11.2024, the AO had also issued an appeal effect order revising the petitioner’s total income for AY 2020-21 to ₹4,07,720/- as initially declared by the petitioner.
6. The Petitioner is now aggrieved for the reason that the amounts against an outstanding demand pursuant to the assessment order which has been set aside, has not been refunded as yet.



7. The learned counsel appearing for the Revenue submits that the present petition is required to be allowed and some time may be granted to the concerned authorities to refund the amounts due to the petitioner.

8. Although, a specific prayer has not been made in the present petition regarding the Petitioner's grievance arising from attachment of his bank accounts – which the learned counsel states still continues to be attached – this court considers it apposite to further direct the concerned authorities to vacate the attachment in the event no further amounts are required to be recovered from the petitioner.

9. In view of the above, we direct the concerned authorities to process the Petitioner's claim for refund alongwith applicable interest as expeditiously as possible and in any event within a period of eight weeks from date. In the event, the concerned authorities are of the view that the petitioner is not entitled to the refund, the said decision and the reasons for the same would be communicated to the petitioner.

10. The petition is allowed in the aforesaid terms. Pending application stands disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

APRIL 25, 2025/sms

[Click here to check corrigendum, if any](#)