

Delhi High Court

Rakesh Kumar Aggarwal vs Commissioner Of Income Tax on 17 November, 2003

Equivalent citations: (2004) 186 CTR Del 199, 2004 266 ITR 559 Delhi

Bench: D Jain, M B Lokur

ORDER

1. By this writ petition, the petitioner seeks to challenge order dt. 24/25th July, 2003, passed by the CIT, Delhi XIII, New Delhi, whereby the securities furnished by the petitioner in terms of our order dt. 25th March, 2003 in CWP No. 7030/2002 have been rejected.

2. Mr. Bajpai, learned counsel for the petitioner, submits that the CIT was not justified in rejecting the same as the securities furnished in the form of immovable properties, belonging to the wife of the petitioner, were very sound. Learned counsel would submit that even if the stand of the CIT that the agricultural land was under acquisition was to be accepted, the petitioner was prepared to give an undertaking to this Court that in the event of M/s Bansal Commodities succeeding in their writ petition and the Department were to refund any amount to them, the compensation in respect of these lands may be received by the Department.

3. Mr. Sanjiv Khanna, learned senior standing counsel for the Revenue, on the other hand, submits that as per his instructions even the agricultural land, situated in village Sultanpur, Tehsil Sonipat, Haryana, offered as security, has also been acquired by the Haryana Urban Development Authority.

4. Having heard learned counsel for the parties, we are of the view that no relief can be granted to the petitioner. The question whether a particular security is sufficient or not is to be determined by the CIT, who is obliged to protect the interest of the Revenue. On this aspect this Court would not like to intervene in the exercise of power of judicial review.

5. At this juncture, it is submitted by Mr. Bajpai that the order, dt. 25th March, 2003, deserves to be modified inasmuch as it is highly prejudicial to the petitioner. We feel that it is now too late in the day for the petitioner to ask for recall of the said order. If the petitioner had any grievance with the said order, it was open to him to take recourse to appropriate remedy, as may be available to him. We do not find any ground to recall or modify the said order, as prayed by learned counsel for the petitioner. As regards prayer(e) in the writ petition for listing of writ petition No. 3738/94 filed by M/s Bansal Commodities, the same is already on the regular board. No further orders are called for in this behalf.

Resultantly, the writ petition is dismissed.