

**IN THE INCOME TAX APPELLATE TRIBUNAL
"C" BENCH: BANGALORE**

**BEFORE SHRI WASEEM AHMED, ACCOUNTANT MEMBER
AND
SHRI SOUNDARARAJAN K., JUDICIAL MEMBER**

SP Nos.38 to 42/Bang/2024 (Arising out of IT(TP)A No.433/Bang/2015, IT(TP)A No.679, 700 & 733/Bang/2016 & IT(TP)A No.2919/Bang/2017 respectively)
Assessment Years: 2010-11, 2011-12, 2011-12, 2012-13 & 2013-14 respectively

M/s. Volvo Group India Pvt. Ltd. (formerly Volvo India Pvt. Ltd.) 65/2, Bagmane Tech Park Block-A 5 th Floor, Parin Building C.V. Raman Nagar Bengaluru 560 093 PAN NO : AAACV6747N	Vs.	ACIT Circle-1 Bangalore
APPELLANT		RESPONDENT

Appellant by	:	Sri Neeraj Jain, A.R.
Respondent by	:	Sri V. Parithivel, D.R.

Date of Hearing	:	30.08.2024
Date of Pronouncement	:	02.09.2024

O R D E R

PER SOUNDARARAJAN K., JUDICIAL MEMBER:

These stay petitions are filed by the assessee company seeking stay against the outstanding demand for the assessment years under consideration as follows:

Asst. year	Total Demand(Rs)	Amount paid(Rs)	Outstanding Demand(rs)
2010-11	684076745	647819710	36257035
2011-12	543765870	524083931	19681939
2011-12 (section 154 proceedings)	14821018	Nil	14821018
2012-13	500525305	429003663	71521642
2013-14	673903760	137000000	536903760

- 2.** All these stay petitions were heard together and are disposed of by this common order for the sake of convenience and brevity.
- 3.** At the time of hearing the Id AR appearing for the assessee submitted that almost 90% of the dues were paid by the assessee. The Id AR further submitted that the main appeal could not be disposed of because of the pendency of the MAP proceedings for which the petitioner could not be blamed. Further the AO had issued the demand notice on 15.07.2024 and therefore the present stay petition has been filed by the assessee. The Id AR also submitted that the assessee has a good case on merits and sought for stay of the demand.
- 4.** The Id DR, on the other hand, submitted that the arguments on merits could not be made at this time and prayed to reject the stay petition.
- 5.** We heard the arguments of both sides and perused the documents filed by the assessee. Initially, the assessee had moved stay petitions and this Tribunal by the order dated 25.11.2022 in S.P.Nos 54 to 58/Bang/2022 had granted stay for the recovery of demand for a period of 6 months from the date of the order or till the disposal of the appeals, whichever is earlier. The Tribunal after taking note of the fact that the issue involved is a MAP issue and the department should take steps to complete the MAP proceedings, had observed that the appeals were adjourned sine die and granted stay. The subsequent stay applications filed by the assessee in SP Nos.15 to 19/Bang/2024 dated 15.4.2022, the Tribunal had dismissed the stay applications for the reason that no recovery proceedings have been initiated by AO and granted liberty to the assessee to approach this Tribunal in the event of any recovery proceedings initiated by the AO.
- 6.** Now the AO had issued a demand notice on 15.7.2024. Therefore, the assessee filed the present stay applications and from the submissions made by the assessee, we find that the 90% of the total demands were paid by the assessee.
- 7.** We considered the submissions of the Id. A.R. and found from the above table, the assessee had almost paid the demands. Further the appeals could not be adjudicated in view of the pendency of the MAP. Considering the above facts, this Tribunal in two occasions had granted stay orders.

Even in the third occasion, the Tribunal had dismissed the stay petition for the reason that there was no recovery proceedings but granted liberty to file stay applications if there is any recovery proceedings initiated by AO. Now the AO had issued a demand notice and therefore, by citing the order of Tribunal dated 15.4.2024, the assessee is filing these stay applications and sought for the stay of collection of balance demand pending the disposal of the main appeals.

8. In such circumstances, by considering the substantial payments made by the assessee and also the main quantum appeal could not be taken up for hearing for no fault of the assessee, we are inclined to grant stay for the recovery of balance demands in respect of the above said assessment years for a period of 6 months from the date of this order or till disposal of the main appeals, whichever is earlier.

9. In the result, all the stay petitions filed by the assessee are allowed.

Order pronounced in the open court on 02nd Sep, 2024.

Sd/-
(Waseem Ahmed)
Accountant Member

Sd/-
(Soundararajan K.)
Judicial Member

Bangalore,
Dated 02nd Sep, 2024.
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The DR, ITAT, Bangalore.
5. Guard file

By order

Asst. Registrar,
ITAT, Bangalore.