

**IN THE INCOME TAX APPELLATE TRIBUNAL
SURAT BENCH, SURAT**

**BEFORE DR. B.R.R. KUMAR, VICE-PRESIDENT
SHRI T.R. SENTHIL KUMAR, JUDICIAL MEMBER**

Stay Application No. 1/SRT/2026

(Arising out of IT(TP)A No. 1/SRT/2026)

Assessment Year : 2022-23

Sterlite Grid 29 Limited, RMZ Infinity, 5 th Floor, Plot No. 15, Phase IV, Udyog Vihar, Gurugram, Gurgaon [PAN : ABBCS 7917 B]	Vs.	DCIT, Vapi Circle, Vapi
(Applicant)	..	(Respondent)
Applicant represented by :	Shri Neeraj Jain, AR	
Respondent represented by:	Shri Ajay Ukey, Sr DR	
Date of Hearing	10.02.2026	
Date of Pronouncement	11.02.2026	

ORDER

PER DR. B.R.R. KUMAR, VICE-PRESIDENT:-

By way of the present stay petition, the assessee-applicant seeks a stay on the collection/recovery of the outstanding demand for tax and interest amounting to Rs.2,76,91,490/-, which is impugned in appeal before this Tribunal.

2. Normally, stay applications are taken up for hearing on Fridays; however, assuming the urgency pleaded, the present stay application was taken up for hearing today, i.e. Tuesday, at the commencement of the Bench, even before adjournment matters.

3. The Ld. Counsel for the assessee fairly brought to our notice that the addition made by the Transfer Pricing Officer has already been disallowed by the assessee and added back to its income. When asked as to why a rectification application u/s.154 before the Assessing Officer could not be

- 2-

filed, the Ld. Counsel for the assessee submitted that, pending the filing of rectification application u/s 154, the stay application may be kept pending. We find no logic in this argument. Since the Bench strongly believes and come to the conclusion that the matter can be resolved by filing a rectification application, the remedy which the assessee has not resorted to, the application for stay is infructuous and stands dismissed.

4. The assessee may file application u/s 154 within seven days from the date of this order, till such time the Revenue is directed to refrain from taking any coercive action. In the event of failure on the part of the assessee to file such rectification application within the stipulated time, the Revenue shall be at liberty to proceed in accordance with law.

5. In the result, the stay petition is disposed of in the above terms.

The order is pronounced in the open Court on 11.02.2026

Sd/-

**(T.R. SENTHIL KUMAR)
JUDICIAL MEMBER**

Ahmedabad; Dated 11/02/2026

btk

Sd/-

**(DR. B.R.R. KUMAR)
VICE-PRESIDENT**

आदेश की प्रतिलिपि ढ ग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ **BY ORDER,**

TRUE COPY

सहायक पंजीकार (**Asstt. Registrar**)
आयकर अपीलीय अधिकरण
ITAT, Surat