

आयकर अपीलिय अधिकरण, 'डी' न्यायपीठ, चेन्नई।  
IN THE INCOME TAX APPELLATE TRIBUNAL  
'D' BENCH: CHENNAI

श्री एबी टी. वर्की, न्यायिक सदस्य एवं सुश्री पदमावती यस, लेखक सदस्य के समक्ष  
BEFORE SHRI ABY T. VARKEY, JUDICIAL MEMBER AND  
MS. PADMAVATHY.S, ACCOUNTANT MEMBER

SA No.27/Chny/2026  
(Arising out of IT(TP)A No.125/Chny/2024)  
Assessment Year: 2021-22

ADP India Pvt. Ltd.,  
6<sup>th</sup> Floor, SP Plot No.16 to 20 and 20A,  
Tamarai Tech Park,  
TVK Industrial Park, Inner Ring Road,  
Guindy Industrial Estate,  
Chennai – 600 032.  
PAN: AADCM 5547J

The Dy. Commissioner of Income  
Tax,  
Non Corporate Circle-1(1),  
Chennai.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by  
प्रत्यर्थी की ओर से /Respondent by

: Mr. Sandeep Bagmar, Advocate (virtual)  
: Mr. N. Rajakumar, Addl. CIT

सुनवाई की तारीख/Date of Hearing  
घोषणा की तारीख /Date of Pronouncement

: 30.01.2026  
: 05.02.2026

**आदेश / ORDER**

**PER PADMAVATHY.S, A.M:**

This stay application is filed by the assessee is arising out of the final assessment order passed u/s. 143(3) r.w.s 144C(13) of the Income Tax Act, 1961 (in short "the Act") dated 01.10.2024 seeks stay of recovery of outstanding demand of Rs.3,36,16,600/-.

2. The assessee filed the return of income for AY 2021-22 on 15.03.2022 declaring an income of Rs.44,08,04,420/-. The case was selected for scrutiny and the A.O passed the draft assessment order assessing income at Rs.

56,51,31,824/-. Aggrieved, the assessee raised objections before the DRP who upheld the TP adjustment and the disallowance made by the A.O. The AO passed the final assessment order as per the directions of the DRP wherein a demand of Rs.3,36,16,600/- is raised. The assessee has filed the present stay petition against the said demand before the Tribunal. The assessee has also filed an appeal on 20.12.2024 against the final order of assessment before the Tribunal.

3. The Ld. Authorized Representative (AR) submitted that the assessee is due to receive refund of Rs. 15,74,28,038/- for earlier assessment year i.e., AY 2016-17 to 2018-19 and A.Y 2020-21. The Ld. AR further submitted that the A.O was passed the order giving effect to the directions of the Tribunal for A.Y 2018-19 & 2020-21, whereby refund of Rs. 1,81,68,069/- for A.Y 2018-19 and an amount of Rs. 66,70,496/- for A.Y 2020-21 has been arrived at by the AO. The Ld. AR therefore submitted that since the total refund that is already crystallized is more than 20% demand for AY 2021-22 amounting to Rs. 67,23,320/- the Revenue may adjust the 20% of the demand against the refund due to the assessee. The Ld. AR also submitted that the assessee is having a very good case on merits. Accordingly the ld AR prayed that a stay may be granted to the assessee.

4. We have heard the parties and perused the materials available on record. We notice from the submissions of the assessee that the A.O has passed order giving effect for A.Y 2018-19 where the refund due to the assessee has been calculated to be Rs. 1,81,68,069/- and the refund for AY 2020-21 is computed at Rs. 66,70,496/-. Considering that the above refund is more than 20% of the tax demand and also that the assessee has consented to the adjustment of the refund due against 20% of the demand we are inclined

to grant stay to the assessee. The stay would be valid for a period of 6 months from the date of this order or the disposal of the appeal of the assessee by the Tribunal, whichever is earlier.

5. In the result, the stay application of the assessee is allowed.

*Order pronounced on 05<sup>th</sup> day of February, 2026 at Chennai.*

**Sd/-**  
**(एबी टी. वर्की)**  
**(ABY. T. Varkey)**

**न्यायिक सदस्य / Judicial Member**

**Sd/-**  
**(पदमवती यस)**  
**(Padmavathy.S)**

**लेखा सदस्य / Accountant Member**

चेन्नई/Chennai, दिनांक/Dated: 05<sup>th</sup> February, 2026.

EDN, Sr. P.S

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF