

IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, KOLKATA

**SHRI RAJESH KUMAR, ACCOUNTANT MEMBER
SHRI PRADIP KUMAR CHOUBEY, JUDICIAL MEMBER**

**SA Nos. 2 to 7/KOL/2026
(Arising out of ITA Nos. 3117 to 3122/Kol/2025)
Assessment Years: 2011-12 to 2015-16 and 2018-19**

**The Institution of Engineers (India),
8, Gokhale Road, Kolkata – 700020
[PAN: AAATT3439Q]Appellant**

vs.

**DCIT (Exemption), Cir-1,
Kolkata Respondent**

Appearances by:

Assessee represented by : Indranil Banerjee, FCA
Department represented by : S.B. Chakraborty, Addl. Sr. DR
Date of concluding the hearing : 13.02.2026
Date of pronouncing the order : 13.02.2026

ORDER

PER RAJESH KUMAR, ACCOUNTANT MEMBER:

By virtue of the present Stay Applications, the assessee seeks the stay on the outstanding demands for the above assessment years.

2. The facts in brief are that the assessee filed appeal before the Tribunal in ITA Nos. 3117 to 3122/Kol/2025 challenging the appellate order passed by the First Appellate Authority. The assessee has simultaneously moved the petition for stay of demand for the above assessment years.

3. The Ld. AR vehemently before us that the assessee has already deposited substantial part of the demand to the tune Rs 5,99,90,205/-as against the total outstanding demand of Rs. 13,02,36,442/-. The Ld. AR

submitted that the assessee has already paid more than 46% of the demand raised by the revenue in the various assessment years and therefore the condition as provided u/s 254(2A) of the Act were duly satisfied as against the condition of 20%. The assessee has already deposited more than 46% of the demand raised. The Ld. AR further submitted that the assessee has very strong prima facie case on merit by placing before us a detailed facts as to how the demand raised by the AO is not sustainable as per the provisions of the Act.

4. The Ld. DR on the other hand, moved a petition for adjournment before the Bench requesting for adjournment of hearing in the stay petitions to 28.02.2026 despite the fact the on 30.01.2026 the earlier date of hearing the revenue moved a similar adjournment petition seeking time and was allowed with a direction that no further time would be allowed on the next date fixed for hearing of stay petition. Moreover, the revenue has no *locus standi* to oppose the hearing of the stay petition as the assessee has already met the conditions for grant of stay as provided in section 254(2A) of the Act which mandates that before any stay is granted the assessee shall pay 20% of the outstanding demand. However, in the present case more than 46% of the outstanding demand has been deposited by the assessee. Considering these facts, the petition moved by the revenue for adjournment is rejected and the stay application is being disposed of after hearing the Ld. Counsel for the assessee and on the basis of facts and material available on record.

5. After hearing the rival contention and perusing the material available on record. We find that in this case, the total outstanding demand was 13,02,36,442/- out of which the assessee has already deposited Rs. 5,99,90,205/- meaning thereby the assessee has already deposited 46% of the total demand. We note that the condition prescribed u/s 254(2A) of the Act which mandates the deposit of 20% of total demand has been fulfilled by the assessee. Therefore, in our consider view it is a

fit case for grant of stay. We also note that even on merit the assessee has a very strong prima facie case in its favour and balance of convenience also weighs heavily in favour of the assessee. Therefore, we are inclined to stay the outstanding demand for a period of 180 days or the disposal of appeal whichever is earlier.

6. In result, Stay Applications filed by the assessee are allowed.

Order pronounced on 13.02.2026

Sd/-
[Pradip Kumar Choubey]
Judicial Member

Sd/-
[Rajesh Kumar]
Accountant Member

Dated: 13.02.2026
AK, Sr. PS

Copy of the order forwarded to:

1. The Appellant
2. The Respondent
3. CIT(A)-
4. CIT-
5. CIT(DR)

//True copy//

By order

Assistant Registrar, Kolkata Benches