

आयकर अपीलीय अधिकरण  
दिल्ली पीठ "एच", दिल्ली  
श्री विकास अवस्थी, न्यायिक सदस्य एवं  
श्री संजय अवस्थी, लेखाकार सदस्य के समक्ष

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "H", DELHI  
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER &  
SHRI SANAJY AWASTHI, ACCOUNTANT MEMBER  
SA No. 31/Del/2026  
(Arising out of ITTPA No. 35/Del/2025, A.Y 2022-23)

DCM Shriram Ltd.,  
2<sup>nd</sup> Floor (West Wing), Worldmark 1, Aerocity,  
New Delhi  
PAN: AAACD-0097-R

..... आवेदक/Applicant

बनाम Vs.

Deputy Commissioner of Income Tax,  
New Delhi

..... प्रतिवादी/Respondent

आवेदक/Applicant by : S/Shri Pradeep Dinodia & Ravi Kumar,  
Ms. Shruti Gupta, S/Shri Ayush Chaurasia &  
Anil Kumar, Chartered Accountants

प्रतिवादीद्वारा/Respondent by : Ms. Ankush Kalra, Sr. DR

सुनवाई की तिथि/ Date of hearing : 13/02/2026

घोषणा की तिथि/ Date of pronouncement : 13/02/2026

आदेश/ORDER

**PER VIKAS AWASTHY, JM:**

The application has been filed by the assessee seeking stay on recovery of outstanding demand for AY 2022-23.

2. Shri Pradeep Dinodia appearing on behalf of the assessee submits that the Assessing Officer (AO) vide assessment order dated 31.10.2025 has made addition inter alia on account of:-

(i) transfer of electricity from eligible unit to non-eligible unit  
Rs.131,28,53,044/- &

(ii) transfer of steam Rs.363,25,84,942/-.

The above two additions constitute 97% of the total demand. Both these issues are legacy issues. The AO since 1985 has been making addition in respect of both the issues and the Tribunal has consistently deleted the additions in the past. The order of Tribunal for AY 2014-15 was upheld by the Hon'ble Delhi High Court in ITA 566/2023 vide order dated 21.01.2025. No SLP has been filed by the Department against the order of Hon'ble Delhi High Court till date. This fact has been recorded by the Dispute Resolution Panel (DRP) in para 5.3 of the Directions. The AO in para 4.3.2 of the order giving effect to DRP directions also concedes the fact that the issue is decided in favour of the assessee by Hon'ble Delhi High Court. The addition has only been made to keep the issue alive. The Id. AR of the assessee submits that since substantial part of additions are from these two issues which are decided in favour of the assessee by the order of Tribunal in the preceding assessment years, the recovery of outstanding demand may be stayed without insisting for payment of any further amount. The Id. AR further submitted that on identical set of facts in SA No.57/Del/2023 for AY 2018-19 the Tribunal had stayed the recovery of outstanding demand for AY 2018-19.

3. Per contra, Ms. Ankush Kalra representing the department vehemently opposed the Stay Application. The Id. DR submits that if the assessee desires to have the benefit of stay, the assessee may be asked to deposit 20% of outstanding demand for impugned assessment year.

4. Both sides heard. It is un-rebutted fact that the substantial addition in the impugned assessment year is in respect of additions made on account of transfer of electricity from eligible unit to non-eligible unit and transfer of steam. *Prima facie* these issues are perineal and in the preceding assessment years have been decided in favour of the assessee by the Tribunal and also by order of the Hon'ble Delhi High Court for AY 2014-15. Considering entire facts of the case, recovery of outstanding demand for impugned assessment year is stayed for 180 days from the date of this order or till the disposal of appeal, whichever is earlier.
5. The assessee shall furnish paper book, if any on or before the date of hearing of appeal.
6. The assessee shall not seek adjournment on the date fixed for hearing, without their being any reasonable cause.
7. In the result, Stay Application of the assessee is allowed in the terms aforesaid.

Order pronounced in the open court on Friday the 13<sup>th</sup> day of February, 2026.

Sd/-

(SANJAY AWASTHI)

लेखाकार सदस्य/ACCOUNTANT MEMBER

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

दिल्ली / Delhi, दिनांक/Dated 17/02/2026

NV/-

**प्रतिलिपि अग्रेषितCopy of the Order forwarded to :**

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. The PCIT/CIT(A)
4. विभागीय प्रतिनिधि, आय.अपी.अधि., दिल्ली /DR, ITAT, दिल्ली
5. गार्ड फाइल/Guard file.

BY ORDER,

//True Copy//

(Dy./Asstt. Registrar) ITAT, DELHI