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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2082/2021 and CM No. 6094/2021 (of the petitioner for ad-interim ex-parte stay)

SVP BUILDERS INDIA LIMITED ..... Petitioner
Through: Dr.Rakesh Gupta and Ms.Monika Ghai, Advs.

versus

UNION OF INDIA & ANR. ..... Respondents
Through: Mr.Jaswinder Singh, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% 17.02.2021

1. The challenge in this petition is to the *vires* of Sections 23(1) and 23(5) of the Income Tax Act, 1961. It is the case of the petitioner that exempting the real estate developers from the provisions of Section 23(1) for a period of two years from the date of obtaining completion/occupancy certificate only, compels the real estate developers to, after two years, pay notional income on the unsold inventory of the flats/properties developed by them.

2. The matter requires consideration.

3. Issue notice.

4. Notice is accepted by the counsel for the respondents Union of India.

5. The counsel for the respondents Union of India states that the Central Board of Direct Taxes has not been impleaded.

6. We implead the Central Board of Direct Taxes as respondent No. 3 to the petition. The amended memo of parties be filed within one week.

7. We have requested Mr. Raghvendra Singh, present in Court, to accept notice on behalf of the Central Board of Direct Taxes. He accepts notice.

8. Notice of this petition be also sent to the Solicitor General of India.

9. Counter affidavits be filed within eight weeks. Rejoinders, if any thereto, be filed within further six weeks thereafter.

10. CM No. 6094/2021 of the petitioner for ad-interim ex-parte stay, is dismissed.

11. Complete set of paper book be supplied to Mr. Raghvendra Singh, Advocate today itself.

12. List on 29th July, 2021.

RAJIV SAHAI ENDLAW, J

SANJEEV NARULA, J

FEBRUARY 17, 2021
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