

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION.**

**WRIT PETITION No.2164/2007.**

Mahindra and Mahindra Ltd.

Petitioners.

Vs.

Assessing Officer,  
Ward No. 1 (1), TDS, Nashik  
and Others.

..Respondents.

Mr S.E. Dastur, Senior Advocate with Mr  
Sanjiv M. Shah for the Petitioners.

Mr B.M. Chatterjee with Mr Ashok Kotangale  
with Mrs P. P. Bhosale, Advocate for  
Respondents.

**CORAM:DR.S. RADHAKRISHNAN  
AND V.C. DAGA, JJ.  
DATED:19th June, 2007.**

**P.C.:-**

1. Heard the learned senior counsel for the  
petitioners and the learned counsel for the  
respondents.

2. After hearing the parties at length the  
concerned Income Tax Officer has filed an  
affidavit dated 19th June, 2007; whereby he  
has withdrawn the impugned order. In view  
thereof nothing survives in the present  
petition.

3. The learned counsel for the respondents states that some other Officer other than the respondents in this petition will be deputed who will afford fair opportunity of personal hearing to the petitioners after giving atleast 15 days clear notice before hearing the petitioners.

4. It is also made clear that in the event of any adverse order being passed, the same shall not be given effect for a period of four weeks from the date of service of the said order on the petitioners.

5. The petitioners are entitled to withdraw the entire amount deposited by the respondents in this Court with the accrued interest.

6. The petition is disposed of in above terms.

**(V.C. DAGA,J.)**

**(DR.S. RADHAKRISHNAN,J.)**

