

"We have no manner of doubt that the stay application is maintainable and CIT(A) do possess power to pass an interim order which he has to consider judiciously in accordance with law. We, therefore, dispose of the writ petition with the direction to the Appellate Authority concerned to hear the stay application and dispose off the same within a period of 15 days from this date. However, it is expected that no coercive action will be taken against the petitioner meanwhile.

..... We do not propose to make this order an occasion to illustrate the various reasons for delay but we will be failing in our duty if we refrain from showing our concern to such callousness on the part of the revenue authorities in sitting tight over the stay application compelling the assessee to run to the High Court by filing writ petition simply to get an order for expeditious disposal of the application for interim order. If they have some justification for not deciding the stay application for some time, it would be in the fitness of things that in such cases, the assessing authority, if it has received the information that the assessee has approached the appellate authority by filing appeal along with the stay application which is pending, must await the recovery till the decision is taken by the appellate authority on such stay application. We, therefore, direct the Central Board of Direct Taxes, New Delhi to look into this aspect of the matter and, if necessary, to issue a circular to all the appellate authorities directing them to dispose of stay applications expeditiously and so long the stay application is not disposed of the Assessing Officer must be slow or reluctant in initiating recovery process. Let a copy of this order be supplied to the Chairman, Central Board of Direct Taxes, New Delhi for information and necessary action."

One may also refer to DHC ruling in Nokia dealing with disposal of stay application by CIT-A etc. 292 ITR 22