IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 531 OF 2016

M/s. Cadbury (India) Ltd.
(now known as M/s. Mondelez India
Foods Pvt. Ltd. .. Petitioner
v/s.
Deputy Commissioner of Income-Tax
5(1)(2) & Ors. .. Respondents

Mr. Jehangir D. Mistry, Senior Counsel a/w Nishant Thakkar and Jasmin Amalsadvala i/b PDS Legal for the petitioner
Mr. N.C. Mohanty for respondent no.1
Mr. Nitesh Jain a/w Shamika Haldipurkar i/b Ameya Gokhale of Shardul Amarchand Mangaldas for the respondent no.2

CORAM : M.S. SANKLECHA &
B.P. COLABAWALLA, J.J.
DATED : 25th FEBRUARY, 2016.

P.C.

1. This petition under Article 226 of the Constitution of India challenges the attachment Notices dated 22nd February, 2016 under Section 226(3) of the Income Tax Act, 1961, served upon the respondent no.2 and respondent no.3 banks. The petitioner has also made a grievance that the amounts which were attached with respondent no.2 were withdrawn by the respondent Revenue to the extent of Rs.93.72 crores. This without having followed the procedure laid down by this Court in ***UTI Mutual Funds Vs. Income-Tax Officer and Ors. 345 ITR 71***.

2. Mr. Mohanty, learned Counsel for the Revenue, on instructions,

states that in view of the law laid down in *UTI Mutual Funds (Supra)*, the withdrawal of the amounts from the attached bank accounts without having given any Notice to the petitioner, was a mistake. Mr. Mohanty further states that the amounts of Rs.93.72 crores withdrawn from the respondent no.2 bank have been credited back to the petitioner's account with respondent no.2 bank. Mr. Mohanty further states that the attachment of the petitioner's accounts in respondent nos. 2 and 3 banks have also been vacated.

3. We would expect that the Department to follow the law as laid down by this Court scrupulously and not subject the Assessee to unnecessary harassment.

4. In view of the fact that the amounts have been credited to the petitioner's bank account and the attachments of the bank accounts are vacated, Mr. Mistry, learned Senior Counsel, on instructions, seeks to withdraw the petition.

5. The Petition is dismissed as withdrawn.

(B.P. COLABAWALLA, J.) **(M.S. SANKLECHA, J.)**