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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 137 OF 2018

Multi Commodity Exchange of India Ltd. … Petitioner
Versus
The Deputy Commissioner of Income Tax & Ors. …Respondents

Mr. Riyaz Padvekar, with Mr. Girish Dave, Mr. Mandar Vaidya and Mr. T. Padvekar, i/b Dave & Padvekar Associates for the Petitioner.
Mr. N.C. Mohanty, for the Respondents.

CORAM: M.S.SANKLECHA & RIYAZ I. CHAGLA, JJ.
DATED: 23RD FEBRUARY 2018

PC:-

1. This Petition under Article 226 of the Constitution of India challenges the notice dated 1st June 2017 issued by the Assessing Officer under Section 148 of the Income Tax Act, 1961 (the Act). The impugned notice seeks to re-open an assessment for Assessment Year 2011-12.

2. We have today by a separate order dismissed the Petitioner's Writ Petition bearing No. 2739 of 2017. Writ Petition No. 2739 of 2017 was filed by the same Petitioner challenging the reopening notice dated 30 March 2013 seeking to reopen the assessment for Assessment Year 2010-11.

3. The learned counsel for the parties state in unison that the facts in this Petition are identical to the facts in Writ Petition No. 2739 of 2017 and the reasons indicated in the order passed therein today would apply to the facts of the present case. In the above view, for the reasons indicated in our order passed today in Writ Petition No. 2739 of 2017, the present Petition is also dismissed.

4. At this stage Mr. Padavekar, the learned counsel appearing for the Petitioner seeks stay of this order for a period of six weeks from today as made when we passed the order today in Writ Petition No.2739 of 2017. This prayer is rejected for the same reasons as recorded in Writ Petition No. 2739 of 2017 passed by us today.

5. Accordingly, this Petition is dismissed. No order as to costs.

(RIYAZ I. CHAGLA J.) **(M.S.SANKLECHA, J.)**