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

\+ W.P.(C) 5385/2018

HM STOCKLEASE PRIVATE LIMITED ..... Petitioner
Through Mr. Saubhagya Agarwal & Mr. Aditya Agarwal, Advocates.

versus

INCOME TAX OFFICER ..... Respondent
Through Mr. Ajit Sharma & Mr. Asheesh Jain, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

O R D E R
% 18.05.2018

It will be appropriate and proper for the writ petitioner to follow the procedure laid down and prescribed by ***GKN Driveshaft (India) Limited versus Income Tax Officer and Others***, (2003) 259 ITR 19 (SC). The petitioners should file objections, and also raise the contention that the company HM Stocklease Private Limited stands dissolved and hence notice under Section 147/148 of the Income Tax Act, 1961 for the Assessment Year 2011-12 is a nullity and invalid in law.

We have made the aforesaid observations, as there are other cases of this nature and in some cases detailed orders have been passed by the Assessing Officers and also applications for revival of the company have been filed before the National Company Law Tribunal. In some cases, interim orders have been passed by the said Tribunal. In fact, counsel for the respondent, who appears on advance notice states that steps for revival of the company have been taken by the Income Tax Department before the National Company Law Tribunal. Accordingly, we are not inclined to entertain the present writ petition at this stage, and leave it to the petitioner to follow the procedure prescribed in ***GKN Driveshaft (India) Limited*** (supra). We clarify that we have not made any observations on merits. Further, in case of an adverse order, it will be open to the petitioner to challenge the same in accordance with law.

The writ petition is disposed of.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MAY 18, 2018
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