

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 1202 OF 2019

M/s. New Lakshmi Jewellers

.. Petitioner

Versus

The Dy. Director of Income Tax (Inv) & Ors.

.. Respondents

-
- Mr. Sushant Murthy a/w Ms. Shyamli Hajela i/by H & M Legal Associates for the Petitioner
 - Mr. Suresh Kumar for Respondent No. 1
 - Mr. Fraser Alexander for Respondent No. 5
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CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : JUNE 24, 2019.

P.C.:

1. The above Writ Petition is filed by the petitioner seeking directions against the respondents to release 7 Kgs. of gold belonging to the petitioner and seized from Shri. Gaurav Surana. The petition has also sought further directions not to include the petitioner's stock-in-trade in the assessment of Gaurav Surana. The petitioner has annexed an application dated 4.10.2017 made to the Principal Commissioner of Income Tax - 32 seeking redressal of their grievance. They have stated in the Writ Petition that the Principal

Commissioner has failed to decide the application even after 23 months. The petitioner has through his Advocate, therefore, prayed for appropriate reliefs.

2. In view of the above, it would be appropriate to issue necessary directions to the Principal Commissioner of Income Tax -32 to decide the application filed by the petitioner dated 4.10.2017 at the earliest. In the circumstances, the following order is passed:-

(i) The Principal Commissioner of Income Tax - 32 is directed to dispose of the application dated 4.10.2017 filed by the petitioner and pending since the last several months, within a period of six weeks from the date of this order.

(ii) The Principal Commissioner shall give personal hearing to the petitioner if they so desire.

3. All contentions of the parties are kept open.

4. The Petition is disposed of.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]