

ORDER SHEET
WPO/139/2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ARVIND KUMAR KAYAN
Versus
UNION OF INDIA & ORS.

BEFORE:
The Hon'ble JUSTICE SHEKHAR B. SARAF
Date : 15th December, 2020.

Mr. Pranit Bag with Mr. N. Chaudhury,
& Ms. A. Poddar, Advs.
... for the petitioner

Mr. Dhiraj Kr. Trivedi with
Mr. Madhu Jana, Advs.
... for the respondent

Leave is granted to file supplementary affidavit. The same may be kept with records.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner has assailed three demand notices all dated December 11, 2019 and one dated February 10, 2020 issued on him as the principal officer of a company being M/s. Agnes Trade & Commerce Pvt. Ltd. The contention of the petitioner is that he has no connection whatsoever with the said company and these demand notices have been issued incorrectly.

Mr. Trivedi, learned Counsel appearing on behalf of the Income Tax Department, has fairly conceded that the demand notices have been issued wrongly and correction has now been made in the records and further notices shall be issued only to the company at the correct address.

In light of the above submissions made by Mr. Trivedi (upon instructions), the impugned demand notices are quashed and set aside.

The writ petition is disposed of accordingly.

Since no affidavits have been exchanged, allegations contained in the writ petition shall be deemed not to be admitted.

The department shall be with liberty to proceed in accordance of law.

(SHEKHAR B. SARAF, J.)