

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2803 OF 2019

Kash IT Solution Ltd. ... Petitioner.
V/s.
Union of India and others. ... Respondents.

Mr.Anand S. Shalgaonkar for the Petitioner.
Mr.Sham Walve for Respondent Nos.2 and 3.

Sanjay K.
Nanoskar
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Sanjay K.
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CORAM : **NITIN JAMDAR AND
M.S. KARNIK, JJ.**

DATE : **14 January 2020.**

P.C. :

By this writ petition, the Petitioner challenges the notice/ letter dated 17 March 2016 seeking to initiate prosecution against the Petitioner. This petition is filed on 4 February 2017. Thereafter office objections were not removed in spite of various opportunities. The Registrar (Judicial), after giving opportunity for a period of one year to remove office objection, dismissed the petition on 4 January 2018. Thereafter a civil application was filed by the Petitioner to set aside the said order with further prayer to condone with delay of 113 days. By order dated 25 January 2019, the delay was condoned and

petition was restored to file. Thereafter, whenever the petition came up on board, a request was made for adjournment. Today is the same position.

2. We do not intend to keep this petition pending any more, as by filing an affidavit-in-reply, the Respondents have stated that there is no commencement of prosecution proceedings against the Petitioner as on date and the Petitioner has protection of section 278-AA of the Income Tax Act, 1961 to explain to the Authorities as to why no steps should be taken pursuant to the impugned notice. The Petitioner, therefore, can raise all the contentions, which are raised in this petition, before the concerned Authority.

3. Writ petition is disposed of in the above terms.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)