IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4001 OF 2021

Kalundre Metaliks Private Limited ....Petitioner

V/s.

Assistant Commissioner of Income Tax
Central Circle - 2 and Anr. ....Respondents

Mr. Devendra M. Jain for petitioner.
Mr. Sham V. Walve for respondents.

CORAM : K.R.SHRIRAM, &
ABHAY AHUJA, JJ
DATED : 10th AUGUST 2021

P.C. :

1 Heard Mr. Jain. The entire grievance of petitioner in this case is that in terms of Section 153C of the Income Tax Act, 1961 (the Act), the Assessing Officer of the searched party has to record his satisfaction that any money, bullion or valuable article or any books of account/ documents seized/requisitioned during the course of search belongs to another person(third party). This has to be done before handing over the offending goods/documents to the Assessing Officer having jurisdiction over the third party. Thereafter, the Assessing Officer having jurisdiction over the third party shall then record his satisfaction that the articles, jewellery, books of accounts/documents received by him have a bearing to determine total income of other person, i.e., third party (like petitioner) for the relevant assessment year. This has to be done before proceeding further under

Section 153A of the Act. Further it is the grievance of petitioner that such satisfaction note should be handed over to petitioner before taking further proceedings.

2 Mr. Jain states that petitioner has addressed communications and also sought information under RTI seeking copies of the satisfactions recorded but the same have not been provided. Mr. Jain states that until that is provided, the Court should stay the operation of the notices issued under Section 153C of the Act.

3 We are not inclined to grant any relief in the petition. The Assessing Officer may provide copy of the satisfactions recorded, if according to him in law it is required to be given and if he still passes an order without complying with the provisions of Section 153C of the Act, it is open to petitioner to challenge that order in accordance with law.

4 Keeping open all rights and contentions of petitioner, petition dismissed.

(ABHAY AHUJA, J.) **(K.R. SHRIRAM, J.)**