

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1477 OF 2002

ICICI Ltd.

...Petitioner

vs.

K. J. Rao and Anr.

...Respondents

Ms. A. Vissanji a/w Mr. S. J. Mehta for Petitioner.
None for Respondents.

**CORAM : K. R. SHRIRAM AND
AMIT B. BORKAR, JJ.**

DATE : 26 NOVEMBER 2021

P.C.:

This petition is impugning the notice dated 28/3/2002 received by Respondent No.1 under Section 148 of the Income Tax Act, 1961(the Act) seeking to reopen the assessment under Section 147 of the Act for the Assessment Year 1995-1996. As soon as petitioner received the notice, petitioner by its letter dated 2/4/2002 addressed to respondent No.1 requested respondent No.1 to provide the reasons. No reasons were provided therefore petitioner filed this petition on or about 25/4/2002 which is less than 4 weeks of making the request.

2. By order dated 9/7/2002 rule was issued and ad-interim order

in terms of prayer clause (c) restraining respondent from acting upon the said notice dated 28/3/2002 and from proceeding further in any manner whatsoever by way of reassessment was passed. Stay has been in force since then. Respondent has not filed any reply though respondent had appeared on 9/7/2002 when Rule was issued.

3. Since the entire basis of petitioner is that reasons were not given, this Court is also not in position to know as to whether reason would contain any tangible material or disclose what petitioner has failed to truly and fairly disclose in its return. The re-opening has been done after expiry of 4 years after the relevant assessment year and hence proviso to Section 147 of the Act applies.

4. In the circumstances, we dispose the petition with the following order:

ORDER

- i) Petitioner shall serve upon respondents a copy of this order duly authenticated as true copy by the Associate of this Court within 2 weeks of the order being uploaded.
- ii) Respondent shall provide to petitioner a copy of reasons for re-

opening of the assessment along with sanction order, if any, within 4 weeks of receiving a copy of this order from petitioner.

iii) Within 2 weeks thereafter petitioner shall serve upon respondents its detailed response/objections to the notice for re-opening.

iv) Thereafter respondents shall dispose the objections within 2 weeks.

5. Petition disposed.

(AMIT B. BORKAR, J)

(K. R. SHRIRAM , J.)

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