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

WRIT PETITION NO.2372 OF 2021

UBS Securities India Pvt. Ltd. ….Petitioner
V/s.
Additional/Joint/Deputy/Assistant Commissioner
of Income Tax/Income Tax Officer & Ors. ….Respondents

Mr. P.J. Pardiwalla, Senior Advocate a/w. Mr. Madhur Agrawal i/b. Mr. Atul K. Jasani for petitioner.
Mr. Sham V. Walve for respondents-Revenue.

CORAM : K.R. SHRIRAM &
AMIT B. BORKAR, JJ.
DATED : 4th DECEMBER 2021

P.C. :

1 Mr. Walve, counsel for petitioner, as an officer of the Court and in fairness, states that petitioner is not unjustified in raising their grievance in this petition. There has been an error in passing the draft assessment order under Section 144C of the Income Tax Act, 1961 (the said Act) without following the procedure prescribed under Section 144B of the said Act. Mr. Walve states that, therefore, the order impugned dated 23rd September 2021, copy whereof is at Exhbit "L" to the petition, be quashed and set aside and the matter be remanded for *denovo* consideration to the stage of show cause notice cum draft assessment order under Section 144B of the said Act.

2 Ordered accordingly.

3 The show cause notice cum draft assessment order under Section 144B of the said Act be issued within four weeks from today.

4 Petition disposed.

(AMIT B. BORKAR, J.) **(K.R. SHRIRAM, J.)**