WPA 20247 OF 2022

20.09.2022
Sl no. 21
Ct no. 2
P.M.

Gloxinia Infraplaza LLP.
- Vs -
Union of India & Ors.

Mr. Avra Mazumder,
Mr. Binayak Gupta,
Mr. Kausheyo Roy,
Mr. Suman Bhowmik
... for the petitioner

Mr. Samarjit Roy Chowdhury
.... for Union of India

Affidavit of service filed in Court be kept with the records.

Heard learned Counsel appearing for the parties.

In this matter petitioner has challenged the impugned notice and order dated 29th June, 2022 relating to assessment year 2016-17 under Section 148 and 148A(d) of the Income Tax Act, 1961 which has been issued in the name of Gloxinia Infraplaza LLP. Private limited, which according to the petitioner, is non-existing entity and since it has already been converted as LLP (Gloxinia Infraplaza LLP) with identification No. AAM-9255 under the LLP Act, 2008, and this fact of conversion was already intimated to the respondent Income Tax Authority by letter dated 30th December, 2021 which appears at page 19 being annexure P/3 to the writ petition and petitioner submits that in view of this admitted fact substantiated by records, the aforesaid impugned order is not sustainable in law and is liable to be quashed.

Learned advocate appearing for the respondent Income Tax Authority is not in a position to contradict the aforesaid allegation and submission of the petitioner which is supported by records.

Considering the submission of the parties, this writ petition being WPA 20247 of 2022 is disposed of by quashing the impugned notice and order dated 29th June, 2022 being annexure P-6 to the writ petition.

However, dismissal of this writ petition will not prevent the Income Tax authority concerned to issue any fresh notice, in the matter in accordance with law.

(Md. Nizamuddin, J.)