WPA 25765 OF 2022

30.11.2022
Sl no. 30
Ct no. 2
P.M.

Trend Vinimay LLP.
- Vs -
Union of India & Ors.

Mr. Avra Mazumder,
Mr. Binayak Gupta
... for the petitioner
Mr. Om Narayan Rai,
Mr. Soumen Bhattacharya
.... For the respondent

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition challenging the impugned assessment order under Section 147/144/144B of the Income Tax Act, 1961 dated 16th March, 2022 relating to assessment year 2013-2014 which was passed on the basis of notice dated 26th March, 2021 under Section 148 of the Income Tax Act, 1961 on the ground that the initiation of re-assessment proceedings and the final reassessment order is bad and not tenable in the eye of law since the same has been initiated against a non-existing entity M/s. Trend Vinimay Private Limited which was converted as Trend Vinimay LLP with effect from 31st March, 2014 and the facts of this conversion was duly intimated to the Assessing Officer concerned by a letter dated 13th August, 2014 being annexure P/6 to the writ petition and it was duly received and acknowledged by the assessing officer concerned.

Mr. Rai, learned advocate appearing for the respondent Income Tax authority is not in a position to contradict the aforesaid allegations which are substantiated by record.

Considering the facts and circumstances of this case this writ petition being WPA 25765 of 2022 is disposed of by quashing the impugned assessment order dated 16th March, 2022.

However, quashing of the aforesaid impugned order will not be a bar on the part of the respondent Income Tax authority to initiate any fresh proceedings in accordance with law.

(Md. Nizamuddin, J.)