OD – 4

ORDER SHEET
WPO/2154/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

INTER GLOBE CAPITAL MARKET LIMITED
VS
THE INCOME TAX OFFICER, WARD NO 4/1, KOLKATA AND ORS.

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date : 13th June, 2022.

Appearance:
Mr. Avra Mazumder, Adv.
Mr. Sk Md Bilwal Hossain, Adv.
Mr. Binayak Gupta, Adv.
...For the Petitioner

Mr. Soumen Bhattacharjee, Adv.
...For the respondents

The Court : Heard learned advocates appearing for the parties.

In this writ petition, petitioner has challenged the impugned assessment order under Section 147 of the Income Tax Act, 1961 dated 23rd March, 2022 relating to assessment year 2015-16 on the basis of a notice under Section 148 of the Act (under the old Act) in spite of earlier order of this Court dated 11th March, 2022 by which impugned notice and the order under the old Act was quashed with liberty to the assessing officer to proceed with the reassessment proceeding by following the provisions under the newly amended provision under Section 147 of the Act. It appears that the assessing officer has passed the impugned order by disregarding the aforesaid earlier order of this Court and passed an order by treating the proceeding under Section 147 of the old Act.

Mr. Bhattacharjee, learned advocate appearing for the respondents is not in a position to contradict this factual and legal position which appears from record.

Considering the facts and circumstances of the case as appears from record and submissions of the parties, impugned assessment order dated 23rd March, 2022 is quashed.

However, quashing of the impugned notice will not prevent the respondent concerned from initiating any fresh proceeding under new Act relating to Section 147 of the Income Tax Act 1961 in accordance with law.

With these observations and directions, this writ petition being WPO 2154 of 2022 stands disposed of.

(MD. NIZAMUDDIN, J.)

TR/