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ORDER SHEET
WPO/2412/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SALASAR SERVICES INSURANCE BROKERS PVT LTD.
VS
ASSISTANT COMMSSIONER OF INCOME TAX AND ORS

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date : 17th August, 2022.

Appearance:
Mr. Sudhir Mehta, Adv.
Mr. Anurag Bagaria, Adv.
Ms. Riya Debnath, Adv.
...For the Petitioner

Mr. Tilok Mitra, Adv.
...For the respondents

The Court : Heard learned advocates appearing for the parties.

By this writ petition petitioner has challenged the impugned order dated 30th July, 2022 under Section 148A(d) of the Income Tax Act, 1961 and subsequent notice under Section 148 of the Act dated 30th July, 2022 relating to assessment year 2014-15. On perusal of records annexed to the writ petition and findings by the assessing officer in his order dated 30th July, 2022, I am not inclined to entertain this writ petition since I did not find any procedural irregularity or violation of any principles of natural justice or the impugned order and notice are contrary to any provision of law and further in view of the finding of fact in the impugned order under Section 148A(d) inter alia which reads as follows :

"In response thereof, the assessee claimed that they have not made any transactions with M/s. Tridev Infra Contractors Pvt. Ltd. during the year under consideration But from the perusal of the same document, it has also been gathered that the assessee has received funds from M/s. Culminating Management Pvt. Ltd. As per the investigation report M/s. Culminating Management Pvt. Ltd. also being managed and controlled by Kamal Jain who is an entry operator. Hence, the transaction remains unexplained beyond reasonable doubt.

In the light of the above facts and discussion and on the basis of material available on record including the assessee's reply, there is an amount of Rs. 91,85,430/- chargeable to tax which has escaped assessment in the instant case and the undersigned is of the opinion that it is a fit case to issue a notice u/s. 148 of the I T Act, 1961."

Furthermore issuance of notice under Section 148 itself is not an assessment or also does not amount to raising of demand and if at all petitioner has any case for dropping the impugned reassessment proceeding it will have ample opportunity in course of reassessment proceeding to satisfy the assessing officer for dropping the same.

In view of the discussion made above, this writ petition being WPO 2412 of 2022 is dismissed.

However, dismissal of this writ petition will not be a bar for the petitioner to raise all the points in this writ petition in course of the impugned reassessment proceeding.

(MD. NIZAMUDDIN, J.)

TR/