OD – 2

ORDER SHEET
WPO/2499/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SREENATH FINVEST PVT. LTD.
VS
UNION OF INDIA AND ORS

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date : 7th September, 2022.

Appearance:
Mr. Arun Kumar Upadhyay, Adv.
Mrs. Shobha Upadhyay, Adv.
...For the Petitioner

Mr. Soumen Bhattacharjee, Adv.
...For the U.O.I.

The Court: Heard learned Advocates appearing for the parties.

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

By this writ petition, petitioner has challenged the impugned order under Section 148A(d) of the Income Tax Act, 1961 dated 28th July, 2022, relating to the assessment year 2016-2017 on the ground that the same is without jurisdiction since the impugned reassessment proceeding and notice has been initiated after expiry of four years from the end of relevant assessment year and the amount alleged to have escaped income is only Rs. 90,000/- according to assessing officer's own conclusion as appears from record and accordingly impugned proceeding has been initiated contrary to the provision of Section 149(1)(b) of the Income Tax Act, 1961. On perusal of the records annexed to the writ petition I find that the aforesaid allegation made by the petitioner in this writ petition has been substantiated by sufficient records and which could not be denied and controverted by the learned counsel appearing for the respondent Income Tax Authority.

Considering the facts and circumstances of the case, the aforesaid impugned order dated 28th July, 2022 under Section 148A(d) of the Act being annexure P-3 to the writ petition and subsequent notice under Section 148 of the Act are quashed.

Accordingly, this writ petition being WPO 2499 of 2022 stands disposed of in view of the discussion made above.

(MD. NIZAMUDDIN, J.)

TR/