IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1781 OF 2022

Peninsula Land Limited ….Petitioner
V/s.
Assistant Commissioner of Income Tax, Central Circle 1(3), Mumbai and Ors. …Respondents

----

Mr. Madhur Agrawal i/b Mr. Atul K. Jasani for Petitioner.
Mr. Akhileshwar Sharma for Respondents-Revenue.

CORAM : K.R. SHRIRAM &
N. R. BORKAR, JJ.
DATED : 26th APRIL, 2022

P.C. :

1. Petitioner is impugning notice dated 31st March, 2021 issued under Section 148 of the Income Tax Act, 1961 (the Act) and order dated 10th January, 2022 disposing of objections.

2. In the objections, the Assessing Officer has not in detail dealt with the objections raised by petitioner. Moreover, copies of the information/documentary evidence/statements relied upon in the reasons recorded for re-opening has not been provided to petitioner.

3. Therefore, the order dated 10th January, 2022 is quashed and set aside. Respondent No.1 shall provide within three weeks of this order being uploaded all evidence relied upon by them to allege that petitioner

has taken cash loan from the persons mentioned in the reasons recorded. Within two weeks thereafter, petitioner shall file further submissions/ objections to the re-opening. On or before 30th June, 2022 Respondent No.1 shall dispose the objections filed by petitioner.

4. Petitioner shall also be given a personal hearing before the order on objections is passed, notice whereof shall be issued at least seven working days in advance. If the Assessing Officer is going to rely on any order or judgment of any Court or Tribunal, a list thereof shall also be provided to petitioner, so that petitioner will be able to deal with it or distinguish the same during the personal hearing. The order on objections shall be a detailed order dealing with every submissions of petitioner.

5. The time spent from the date of filing the Writ Petition till the time granted for disposal of objections is to be excluded while computing the period of limitation for completion of the assessment proceeding.

6. Petition disposed.

(N. R. BORKAR, J.) **(K.R. SHRIRAM, J.)**