

- Chitra Sonawane

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

WRIT PETITION NO.1808/2022

Anil C. Mistry

.. Petitioner.

Vs.

**Income tax Officer, Ward 34(1)(1)
Mumbai.**

.. Respondent.

.....

Miss Akshita Bhandari i/b Mr. Nishit M. Gandhi for petitioner.
Mr.Suresh Kumar for respondents.

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**CORAM : K. R. SHRIRAM &
N.R. BORKAR, J.J.**

DATED : 11TH APRIL, 2022.

P.C.

1. In this case the notice issued under Section 148 of the Income Tax Act, 1961 (the Act) is dated 30.06.2021 but the procedure followed is the old procedure which came to be replaced by the Finance Act, 2021 with effect from 1st April 2021.
2. Miss Bhandari states that she does not have any instructions of any assessment order having been communicated to petitioner.
Statement accepted.

Even if the assessment order is passed, still it will be non-est as the notice issued under Section 148 of the Act itself is being set aside.

3. We have already held in *Tata Communications Transformation Services Limited Vs. Assistant Commissioner of Income Tax 14(1) & Ors.*¹ that such notices are bad in law and have to be quashed. Accordingly, notice impugned in this petition is hereby quashed and set aside.
4. Petition disposed accordingly.

(N.R. BORKAR, J.)

(K.R. SHRIRAM, J.)

¹ Writ Petition No.1334 of 2021 dated 29th March,2022

