IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2574 OF 2021

Tilak Ventures Ltd. ….Petitioner

V/s.

Income Tax Officer-11(3)(1) …Respondent

Mr. R. S. Padvekar i/b Mr. Tanzil Padvekar for Petitioner
Mr. Akhileshwar Sharma for Respondents-Revenue

CORAM : K.R. SHRIRAM &
N.J. JAMADAR, JJ
DATED : 21st FEBRUARY 2022

P.C. :

1 Petitioner is impugning a notice dated 30th March 2021 issued under Section 148 of the Income Tax Act 1961, for A.Y.-2015-2016. The reasons recorded for reopening has been provided to petitioner. We have considered the reasons with the assistance of Mr. Padvekar. The reasons read as under:

"Reasons for re-opening of assessment u/s 148 of the I. T. Act 1961 for A.Y.2015-16

M/s Tilak Ventures Limited (PAN: AAACT2373C

The assessee company formerly known as M/s Out of City Travel Solutions Ltd., filed the return of income for the year under consideration on 29.09.2015 declaring loss of Rs.1476/-. Subsequently, the case was selected for scrutiny and the assessment was completed on 19.12.2017 on the total assessed loss of Rs.70,05,060/-. During the year under consideration, the assessee was engaged in the business of providing financial services.

The income department has collected information about taxpayers from various sources such as Annual information Return (AIR), Central Information Branch (CIB), Tax Deduction at Source (TDS) Statement and information uploaded by investigation Wings / Central Circle / I & CI on Insight Portal.

As per the information summary available in Insight Portal, the following information relating to Assessment Year 2015-16 pertains to the assessee.

Sr. No.	*PAN*	*Name*	*Information F.Y.*	*Information Type*	*Information Value*	*Remarks*
1	*AAACT2372 C*	*TILAK VENTURES LIMITED*	*2014-15*	*Others*	*83,04,053*	*Reversal trades in BSE*

2. On verification of details available on record, it can be seen that assessee has concealed income related to reversal trades investment in BSE.
3…………………
4…………………
5…………………
6………………….”

2 Mr. Padvekar is at loss as to what reversal trade in BSE means. Mr. Sharma is not very certain what it could mean and we are also at sea. The reasons does not disclose anything that could be remotely termed "reasons to believe income has escaped assessment." First of all, it does not explain what reversal trade in BSE means. Secondly, it does not even state on which scrip there has been any reversal trade in BSE that can be termed escapement of assessment and thirdly, how could it be even linked to petitioner. Even in the affidavit in reply, it is simply stated *"I say that the Department was having information that petitioner had made reversal trade of Rs.83,04,053/- involved in reversal trade. This is the new information received by respondent no.1……………."*

3 In the circumstances, we hereby quash and set aside the notice dated

30th March 2021. Consequently, the order dated 11th August 2021 disposing the objections is also quashed and set aside.

4 Petition disposed.

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