

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

WRIT PETITION NO. 2728 OF 2013

Nishith Madanlal Desai

....Petitioner

V/s.

Commissioner of Income Tax-11 (3)

Mumbai And Ors.

...Respondents

Mr. Firoze B. Andhyarujina, Senior Advocate i/b Mr. Sameer G. Dalal for
Petitioner.

Mr. Suresh Kumar for Respondents.

CORAM : K.R. SHRIRAM &
N. J. JAMADAR, JJ.

DATED : 4th FEBRUARY, 2022

PC. :

1. Mr. Andhyarujina and Mr. Suresh Kumar state that our findings and conclusions in the order dated 4th February, 2022 in Writ Petition No. 2727 of 2013 will cover this petition as well and therefore the court shall grant prayer clause (i) and (ii). Accordingly, this petition is also allowed in terms of prayer clause (i) and (ii) which reads as under :

- (i) *call for record and proceedings and issue writ setting aside and quashing the Impugned Notice dated March 08, 2013 being Ex - 'I' issued under section 148 of the Act by the Second Respondent;*
- (ii) *call for record and proceedings and issue writ setting aside and quashing the order passed by the First Respondent disposing off the objections raised by the Petitioner against the reopening of assessment under section 147 of the Income Tax Act, 1961 dated 18.09.2013, being Ex. 'K' hereto;*

2. Petition disposed.

(N. J. JAMADAR, J.)

(K.R. SHRIRAM, J.)