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

WRIT PETITION NO. 3592 OF 2019

Shree Ambica Gems ....Petitioner

V/s.

The Assistant Commissioner of
Income Tax, Circle 19(3) & Ors. ...Respondents

Mr. Deepak Tralshawala i/b Mr. Vishnu S. Hadade for Petitioner.
Mr. Sham V. Walve for Respondents-Revenue.

CORAM : K.R. SHRIRAM &
R.N. LADDHA, JJ.
DATED : 5th JANUARY, 2022

P.C. :

1. Petitioner is impugning a notice dated 21st February, 2019 issued under Section 148 of the Income Tax Act, 1961 (the Act). The notice has been issued after the expiry of four years from the relevant assessment year and therefore, the proviso to Section 147 of the Act as then prevailing will apply.

2. We have considered the reasons recorded for re-opening the assessment. The entire basis is a survey that was conducted under Section 133A of the Act on 21st January, 2019 at the business premises of assessee which was almost three years after the order under Section 143(3) of the Act was passed. Therefore, we are unable to accept the statement of petitioner's counsel that the notice that has been issued is bad in law.

3. Petition dismissed.

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