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

WRIT PETITION NO.203 OF 2020

Embio Trading Private Limited ….Petitioner

V/s.

Income Tax Officer, Ward 12 (2)(2) ….Respondent

Mr. Alok Vajpeyi i/b. Mr. Sankalp Sharma for petitioner.
Mr. Sham V. Walve for respondent.

CORAM : K.R. SHRIRAM &
R.N. LADDHA, JJ.
DATED : 21st JANUARY 2022

P.C. :

1 Mr. Vajpeyi states that he is instructed by Mr. Sankalp Sharma to appear for petitioner and Mr. Sharma will file his Vakalatnama within one week from today and also serve a copy thereof upon Mr. Walve. Statement accepted as undertaking to this Court.

2 At the outset, counsel for petitioner was unable to assist the Court and was not even willing to go on with the matter. We have perused the petition with the assistance of Mr. Walve.

3 Petitioner is impugning a notice dated 30th March 2019 issued under Section 148 of the Income Tax Act, 1961 (the said Act) for Assessment Year 2012-2013 and an order dated 2nd December 2019 disposing the objections to the initiation of reassessment proceedings.

4 Petitioner had filed its return of income declaring loss of Rs.18,752/- whereas assessment was finalised assessing total income of

Rs.70,751/-. Subsequently, information has been received on 7th January 2019 from DDIT (Investigation) that assessee had received Rs.14,64,00,000/- from one Vivacious Trading Private Limited. The account of Vivacious Trading Private Limited showed receipt of Rs.14,64,14,670/- which was followed by debit on account of transfer of Rs.14,64,00,000/- to petitioner and there were no other transactions recorded in the bank account of Vivacious Trading Private Limited. The Investigation Wing has also reported that Vivacious Trading Private Limited is not available at the address and Ministry of Corporate affairs has struck off the company from its register.

5 We have considered the reasons and the proposed reopening is in view of the information that was received after the case was selected for scrutiny and order under Section 143 (3) of the said Act was passed.

6 In view of the above, we do not wish to exercise our jurisdiction under Article 226 of the Constitution of India.

7 Petition dismissed accordingly.

8 Petitioner may take all contentions before the Assessing Officer, who shall grant personal hearing to petitioner before passing the assessment order.

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