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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 13480/2022 & CM APPLs.40983-40984/2022

PARAMOUNT POLYMERS PVT LTD

..... Petitioner

Through: Mr.Gaurav Jain, Advocate with
Ms.Akshita Goyal and Mr.Shubham
Gupta, Advocates.

versus

ASSISTANT COMMISSIONER OF INCOME TAX, CIRCLE -
19(1), NEW DELHI AND ANR.

..... Respondents

Through: Mr.Ruchir Bhatia, Sr.Standing
Counsel with Ms.Mansie Jain,
Advocate.

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Date of Decision: 26th September, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petition has been filed challenging the order dated 31st July, 2022 passed under Section 148A(d) along with notice dated 31st July, 2022 issued under Section 148 of the Income Tax Act, 1961 ('the Act') for the assessment year 2017-18.
2. Learned counsel for the Petitioner states that the Respondent vide the said order sought to justify the reopening of the assessment for the



assessment year 2017-18 alleging escapement of income to the tune of Rs.33,67,382/- on account of the erstwhile Company being a non-filer, not considering the fact that the erstwhile Company got amalgamated with the Petitioner vide an order of NCLT dated 8th November, 2017 resulting in the merger of all the transactions entered into by the erstwhile company, including the impugned transactions with the results of the Petitioner Company for the relevant previous year, and was duly disclosed, and offered to tax, and also assessed by the respondent-revenue.

3. Learned counsel for the Petitioner states that the Respondent wrongfully passed the order under Section 148A(d) of the Act ignoring the contentions of the Petitioner that assessment under Section 143(3) of the Act had already been finalized in case of the Petitioner for the relevant assessment year. He further states that the respondents dropped the proceedings initiated under Section 148A of the Act in case of the erstwhile Company for the assessment year 2018-19 on the same set of facts, thereby contradicting its own stand.

4. Issue notice.

5. Mr.Ruchir Bhatia, learned counsel for the respondents-revenue, accepts notice. On instructions, he states that the respondents-revenue has no objection if the file is remanded back to the Assessing Officer for fresh consideration.

6. Keeping in view the aforesaid statement, the impugned order passed under Section 148A(d) and notice issued under Section 148 of the Act both dated 31st July, 2022 are set aside and the matter is remanded back to the Assessing Officer for a fresh decision in accordance with law within four weeks.



7. In the event, the petitioner is aggrieved by the said decision, the petitioner shall be at liberty to file appropriate proceedings in accordance with law.
8. Accordingly, the present writ petition along with applications stands disposed of.

MANMOHAN, J

MANMEET PRITAM SINGH ARORA, J

**SEPTEMBER 26, 2022
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