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WPA 17425 of 2023

Bengal Peerless Housing Development Company Limited

Vs

Assistant Commissioner of Income Tax, Circle-7(1), Kolkata & Ors.

Mr. Abhratosh Majumder, Ld. Sr. Adv.,
Mr. Avra Mazumder,
Mr. Suman Bhowmik,
Mr. Kausheyo Roy,
Mr. Samrat Das
… For the Petitioner.
Mrs. Smita Das De
… For the Respondents.

Heard learned Advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned order dated 24th April, 2023, under Section 148A(d) of the Income Tax Act, 1961 relating to assessment year 2019-20 on the ground that the impugned order relating to the transaction of the petitioner with one M/s. Solitaire Advertising (proprietor Sunil Sharma) is a non-speaking order and is perverse since the petitioner's objection dated 20th April, 2023 being Annexure P-11 to the writ petition where petition has given elaborate reason with all supporting documents to establish the genuineness of the said transaction, which has neither been discussed nor the Annexure to the said application has been referred in the impugned order under Section 148A(d) of the Act. On perusal of the aforesaid order with regard to the aforesaid transaction of

Rs.31,08,050/- by the petitioner with the aforesaid M/s. Solitaire Advertising(proprietor Sunil Sharma), I find that there is no discussion and reference of all the Annexures which were annexed to the objection of the petitioner dated 20th April, 2023.

Mrs. Das De, learned Advocate appearing for the respondents opposing this writ petition submits that the Assessing Officer wants to have a deeper investigation in the matter about the financial credibility of the aforesaid proprietor and according to me the same cannot be a ground for the Assessing Officer to proceed with the impugned re-assessment proceedings against the petitioner unless he discusses and deals with the aforesaid objection along with the supporting documents filed by the petitioner and comes to the conclusion that the aforesaid transaction is not genuine and on mere suspicion he cannot proceed with the aforesaid impugned assessment proceedings.

Considering the facts and circumstances of the case and submission of the parties the aforesaid impugned order is set aside to the extent of the aforesaid particular transaction and the matter is remanded back to the Assessing Officer concerned to pass a fresh order confining to the aforesaid transaction after considering the objection of the petitioner dated 20th April, 2023, and by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioner or its authorised representative, within a period of eight weeks from the date of communication of this order.

With this observation and direction this writ petition being WPA17425 of 2023 is disposed of.

(Md. Nizamuddin, J.)