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ORDER SHEET

WPO/1346/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SUPER FORGINGS AND STEELS LIMITED
VS
UNION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date: 27th July, 2023.

Appearance:
Mr. Subash Agarwal, Adv.
Mr. Brijesh Kumar Singh, Adv.
…For the Petitioner
Mr. Vipul Kundalia, Adv.
Ms. Aditi Singhania, Adv.
…For the respondents

The Court: Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned assessment order under Section 148A(d) of the Income Tax Act, 1961, dated 20th April, 2023 relating to assessment year 2019-20. Petitioner submits that no sufficient materials or documents or statement of any third party has been furnished to the petitioner with regard to transaction of accommodation entries of Rs. 5,91,00,000/- by the assessee from a shell entity namely M/s. Innovative Commercial Pvt. Ltd. during the financial year 2018-19.

On perusal of the aforesaid impugned order under Section 148A(d) of the Act and the document annexed to the writ petition I find that the sufficient materials has been provided to the petitioner including the relevant part of the statement upon which the assessing officer has relied and in view of the admitted position that petitioner itself has admitted the transaction with the said Innovative Commercial Pvt. Ltd. during the relevant period, I am not inclined to interfere with the impugned order under Section 148A(d) of the Act and subsequent notice under Section 148 of the Act since it is not a case where impugned proceeding initiated is without jurisdiction or there is any procedural irregularity in passing the order under Section 148A(d) of the Act or there is any violation of principles of natural justice in the matter. Further, on the issue of Section 151A of the Income Tax Act in this case, it is covered against the petitioner by the order of this Court dated 5th July, 2023 in WPO 1193 of 2023 in the case of "Excel Commodity and Derivative Pvt. Ltd. vs. Union of India & Ors." Accordingly, this writ petition being WPO 1346 of 2023 is dismissed.

(MD. NIZAMUDDIN, J.)

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