IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3304 OF 2022

Akshar Realtors ….Petitioner

V/s.

Asst. Commissioner of Income Tax
Circle 27(1) & Ors. ….Respondents

Ms Ritika Agarwal a/w Ms Ayesha Ansari i/b Acelegal for Petitioner.
Mr. Vipul Bajpayee for Respondents.

CORAM : K. R. SHRIRAM &
Dr. NEELA GOKHALE, JJ.
DATED : 12th DECEMBER 2023

P.C. :

1 Petitioner's objections to the reopening for AY-2017-18 has been rejected by an order dated 10th March 2022. Petitioner is impugning a notice dated 30th March 2021 issued under Section 148 of the Income Tax Act 1961 (the Act), for reopening and order rejecting the objections.

2 Ms Agarwal admits that petitioner had taken an unsecured loan from some companies mentioned in the order disposing objections but is not able to identify which out of 105 comapnies listed. Ms Agarwal states that the petition can be disposed by giving liberty to petitioner to file further submissions before respondents and before respondents proceed to pass the assessment order under Section 147 read with Section 148 of the Act. Ms Agarwal states within one week petitioner will address a communication to respondents asking for the material and details required. Respondents shall

Meera Jadhav:- This order has been corrected pursuant to speaking to the minutes of order dated 16th January 2024.

provide those materials within two weeks of receiving the request and if certain material cannot be provided, give reasons for their inability to provide. Respondents may, thereafter pass such order as deemed fit in accordance with law and before passing any order, a personal hearing shall be given to petitioner, notice whereof shall be communicated at least five working days in advance. The assessment order shall be passed on or before 31st March 2024.

3 Petition disposed.

4 We clarify that we have not made any observations on the merits of the matter.

(Dr. NEELA GOKHALE, J.) **(K. R. SHRIRAM, J.)**

Meera Jadhav:- This order has been corrected pursuant to speaking to the minutes of order dated 16th January 2024.