

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

WRIT PETITION NO.3849 OF 2021

Vikas Madhukar Thakoor

..... Petitioner

Vs.

The Pr.Commissioner of Income Tax,
Mumbai & Ors.

..... Respondents

Mr.Mandar Vaidya for Petitioner
Mr.Akhileshwar Sharma for Respondents

**CORAM: K.R. SHRIRAM, J &
FIRDOSH P. POONIWALLA, J.**

DATED : 31st JULY 2023

P.C.

1. Mr. Vaidya states that he is constrained to approach this court impugning Form No.3 dated 16th September 2021 issued by Respondent No.1 because petitioner's declaration under the Direct Tax Vivad Se Vishwas Act, 2020 has been rejected due to mismatch in the information related to payment against tax arrears. Mr. Vaidya states that if Respondent No.1 could be directed to give a personal hearing then petitioner should be able to explain and clear doubts regarding mismatch as well as account for the cash that was seized during search operation some years ago.

2. Mr. Sharma states that personal hearing can be granted if the matter can be resolved.

3. Accordingly, we set aside Form No.3 which is impugned in this petition and direct Respondent No.1 to reconsider petitioner's declaration under the Direct Tax Vivad Se Vishwas Act, 2020 by granting personal hearing to petitioner. The notice for personal hearing shall be given atleast seven working days in advance. After personal hearing is granted, Respondent No.1 may issue revised Form No.3.

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

5. Petition disposed.

(FIRDOSH P.POONIWALLA, J.)

(K.R. SHRIRAM, J.)