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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3272 OF 2024

Smaaash Entertainment Pvt. Ltd. through Resolution Professional Mr. Bhrugesh Amin ...Petitioner

Versus

Assistant Commissioner of Income Tax, Circle 16(1), Mumbai & Ors. …Respondents

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Mr. Dharan Gandhi, for Petitioner.
Mr. P. S. Narayanan, for Respondents.

CORAM: G. S. KULKARNI & SOMASEKHAR SUNDARESAN, JJ.

DATE 11 SEPTEMBER 2024

P.C.

1. On the backdrop of our order dated 12 August 2024, we have heard learned Counsel for the parties.

2. The proceedings today were heard primarily on the issue whether Section 14(1)(a) of the Insolvency and Bankruptcy Code, 2016 is relevant to create a bar on the Assessing Officer in taking steps under the provisions of Section 143(2) before passing an assessment order or whether the embargo under Section 14(1)(a) of the Insolvency and Bankruptcy Code, 2016 would become applicable to the proceedings post the assessment order, namely when a demand or penalty is issued thereunder.

3. The petitioner has also urged an issue that the impugned assessment order isviolative of principles of natural justice. Such contention is on the basis that no notices were issued to the petitioner as per the provisions of the Act, as the petitioner was already under the IRP, hence the petitioner could not participate in the assessment proceedings which lead to the passing of the impugned assessment order. As such issues are also being urged, we are of the opinion that a reply affidavit to the petition, on the other issues also needs to be filed by the respondents. Let the same be filed within three weeks from today. Rejoinder, if any, be filed one week thereafter.

4. Stand over to **9 October 2024.**

5. Ad-interim orders, if any passed earlier, shall continue to operate till the adjourned date of hearing.

(SOMASEKHAR SUNDARESAN, J.) **(G. S. KULKARNI , J.)**