

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3349 OF 2024

Nirmala Madan ...Petitioner
Versus
Income Tax Officer, Ward – 3(2)(1), Mumbai & Ors. ...Respondents

Mr. Devendra Jain i/b Radha Halbe for Petitioner.
Mr. Suresh Kumar for Respondents.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.

DATE: 23 OCTOBER 2024

P.C.

1. Heard the learned Counsel for the parties.
2. Let reply affidavit to the petition be placed on record within four weeks from today.
3. This Petition impugns a notice dated 02 May 2024 for Assessment Year 2017-18, issued under Section 148 of the Income Tax Act, by Respondent No.1, who is the Jurisdictional Assessing Officer.
4. Mr. Jain, the learned Counsel for the Petitioner submitted that the Jurisdictional Assessing Officer would not have jurisdiction to issue the impugned notice, considering the principle of law as laid down by this

Court in *Hexaware Technologies Limited v/s. Assistant Commissioner of Income Tax & Others*¹.

5. Mr. Suresh Kumar, the learned Counsel for the Respondent would not dispute such contention as urged on behalf of the Petitioner. He, however, submitted that the view taken by this Court in *M/s. J. D. Printers Pvt. Ltd., v/s. Income Tax Officer – 15(1)(2) & Ors.*² be followed in the present proceedings.

6. We have heard the learned Counsel for the parties and having perused the record, we are of the opinion that, for the reasons as recorded by us in *M/s. J. D. Printer* (supra) in regard to our observations on the proceedings involving the decision in *Hexaware Technologies Ltd.* (supra), we pass the following order:-

ORDER

- (a) Rule. Respondents waive service.
- (b) Pending the hearing and final disposal of this Petition, there shall be interim orders in terms of prayer clause (d).
- (c) Liberty to the parties to apply after appropriate orders are passed by the Supreme Court and/or final decision of the Supreme Court in Hexaware.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)

1 (2024) 464 ITR 430

2 Writ Petition No.12187 of 2024