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

WRIT PETITION (L) NO. 34463 OF 2024

HDFC Life Insurance Company Limited,
Mumbai ...Petitioner
Versus
Assistant Commissioner of Income Tax,
Central Circle 6(2), Mumbai & Ors. ..Respondents

Mr. P.J. Pardiwalla, Sr. Advocate a/w Mr. Madhur Agarwal i/by Atul K. Jasani for Petitioner.
Mr. Suresh Kumar for Respondents.

CORAM: G. S. KULKARNI & ADVAIT M. SETHNA, JJ.

DATE: 25 NOVEMBER 2024.

P.C.

1. Heard the learned Counsel for the parties.

2. This Petition impugns a notice dated 31 August 2024 issued under Section 148 of the Income Tax Act, for the assessment year 2016-17, issued by Respondent No.1, who is the Jurisdictional Assessing Officer.

3. Mr. P.J. Pardiwalla, the learned Senior 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 the Court in ***Hexaware Technologies Limited v/s. Assistant Commissioner of Income Tax & Others***[1].

4. Mr. Suresh Kumar, the learned Counsel for the Respondents would not dispute such contention as urged on behalf of the Petitioner. He, however, submitted that the view taken by the Court in ***M/s. J. D. Printer***

1 (2024) 464 ITR 430

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Pvt. Ltd., v/s. Income Tax Officer – 15(10(2) & Ors.[2] be followed in the present proceedings.

5. We have heard the learned Counsel for the parties and perused the record.

6. There are other issues which are raised on behalf of the petitioner in assailing the impugned notices / orders apart from the primary issue as raised on the basis of the decision in **Hexaware Technologies Ltd.** (supra). Considering the view which the Court has taken in **M/s. J. D. Printer** (supra), we need to follow such orders, which would also govern the present proceedings. Hence, for the reasons as recorded in the orders passed by the Court in **M/s. J. D. Printer** (supra) and in regard to our observations on the proceedings involving the decision in **Hexaware Technologies Ltd.** (supra), we pass the following order:-

O R D E R

(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.

(ADVAIT M. SETHNA, J.) **(G. S. KULKARNI, J.)**

2 Writ Petition No.12187 of 2024