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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16260/2022, CM APPL. 42091/2024, CM APPL.
42204/2024, CM APPL. 42207/2024
AALIYAH REAL ESTATES PRIVATE LIMITED

.....Petitioner

Through: Mr. Salil Kapoor, Mr. Sumit
Lalchandani, Ms. Ananya
Kapoor, Mr. Utkarsh Kumar,
Mr. Tarun, Advocates.

versus

ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE
1-1 & ANR.

.....Respondent

Through: Mr. Sanjay Kumar and Ms.
Easha, Advocates.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

03.09.2024

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1. On hearing learned counsels for parties, we find that the issues and the challenge raised stands concluded in light of the judgment rendered by the Court in **Twylight Infrastructure (P) Ltd. v. CIT** [2024:DHC:259-DB]. This position is conceded to by the respondents.
2. Accordingly, and for the reasons assigned in the aforementioned judgment, we allow the instant writ petition and quash the impugned notice dated 29 July 2022 passed under Section 148 of the Income Tax Act, 1961 and consequential proceedings initiated thereto, subject to liberty reserved as per paragraph Nos. 28 to 30 of *Twylight Infrastructure*, and which read as under:

“28. Before us, the counsel for the revenue continue to hold this position. The only liberty that they seek is that if, based on the judgment in *Ganesh Dass Khanna*, the impugned orders and



notices are set aside, liberty be given to the revenue to commence reassessment proceedings afresh.

29. Therefore, having regard to the aforesaid, the impugned notices and orders in each of the above-captioned writ petitions are quashed on the ground that there is no approval of the specified authority, as indicated in Section 151(ii) of the Act. The direction is issued with the caveat that the revenue will have liberty to take steps, if deemed necessary, *albeit* as per law.

30. Needless to add, the rights and contentions of both the sides will remain open, in the event the revenue triggers reassessment proceedings.”

3. The writ petition is disposed of accordingly.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

SEPTEMBER 3, 2024*/neha*