$~49 & 50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 17190/2022

IREO GRACE REALTECH PRIVATE LIMITED

..... Petitioner

Through: Mr. Ruchesh Sinha, Ms. Monalisa Maity, Ms. Shilpa Chowdhary, Advs.

versus

ACIT (OSD), NEW DELHI & ANR. ..... Respondent

Through: Mr. Abhishek Maratha, SSC with Ms. Nupur Sharma, Mr. Parth Semwal, Advs.

50

\+ W.P.(C) 140/2023

IREO GRACE REALTECH PVT. LTD. ..... Petitioner

Through: Mr. Ruchesh Sinha, Ms. Monalisa Maity, Ms. Shilpa Chowdhary, Advs.

versus

ACIT (OSD), NEW DELHI & ANR. ..... Respondent

Through: Mr. Abhishek Maratha, SSC with Ms. Nupur Sharma, Mr. Parth Semwal, Advs.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **15.03.2024**

W.P.(C) 17190/2022

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 SCC OnLine Del 330].

2. Accordingly, for the reasons assigned in the aforenoted judgment, we allow the instant writ petition and quash the impugned order dated 31 July 2022 passed under Section 148A(d) 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.

W.P.(C) 140/2023

Mr. Maratha, learned counsel appearing for the respondent prays for and is granted three weeks' further time to file a counter affidavit. The petitioner shall have two weeks therefrom to file a rejoinder affidavit.

List again on 11.07.2024.

Interim order granted earlier to continue till the next date.

YASHWANT VARMA, J.

PURUSHAINDRA KUMAR KAURAV, J.

MARCH 15, 2024/*neha*