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

\+ W.P.(C) 13455/2024 & CM APPL. 56234/2024 (Interim Relief)

VALLEY IRON AND STEEL CO LIMITED .....Petitioner

Through: Mr. Abhimanyu Jhamb, Ms. Thonpinao Thangal & Ms. Ayushi Srivastava, Advs.

versus

ASSISTANT COMMISSIONER OF INCOME TAX CENTRAL CIRCLE 5, & ANR.

.....Respondents

Through: Mr. Vipul Agrawal, SSC with Mr. Gibran Naushad & Ms. Sakashi Shairwal, JSCs.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% **24.09.2024**

CM APPL. 56235/2024 (Ex.)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 13455/2024 & CM APPL. 56234/2024 (Interim Relief)

1. The writ petitioner has approached this Court aggrieved by the initiation of reassessment action pursuant to an order dated 29 August 2024 passed under Section 148A(d) of the Income Tax Act, 1961 [‘**Act**’] and the consequential notice of 30 August 2024 issued under Section 148 of the Act. The reassessment action is proposed for Assessment Year [‘**AY**’] 2018-19 and emanates from a search which is stated to have been conducted on Nitin Enterprises and its related entities on 18 January 2024.

2. We, however, note that pursuant to the notice under Section 148 A(b) which had been issued on 09 August 2024, the petitioner had submitted a request in terms of a letter of 23 August 2024 for an extension of time by a period of two weeks to enable it to submit a reply. This request was addressed in light of the authorized person being indisposed.

3. However, and without rejecting that request for adjournment, the final order under Section 148A(d) came to be passed.

4. In view of the aforesaid and on hearing learned counsel for the petitioner and Mr. Agarwal, learned counsel appearing for the respondents, in our considered opinion, the ends of justice would merit, the matter being remanded to the Assessing Officer [‘**AO**’] for commencement of proceedings from the stage of issuance of a notice under Section 148A(b) notice with all rights and contentions of respective parties being kept open.

5. We accordingly allow the present writ petition and quash the order issued under Section 148A(d) dated 29 August 2024 and notice referable to Section 148 dated 30 August 2024. The matter shall stand remitted to the AO who shall provide an opportunity of hearing to the writ petitioner and accord an opportunity to file a reply to the original notice under Section 148A(b). The matter may thereafter be proceeded with further in accordance with law.

6. All rights and contentions of respective parties on merits are kept open.

YASHWANT VARMA, J

RAVINDER DUDEJA, J

SEPTEMBER 24, 2024/RW