

24.09.2025
SL No.9
Court No.1
(gc)

**MAT 1141 of 2025
CAN 1 of 2025**

**Startec Infradevelopers Pvt. Ltd.
Vs.
Income-Tax Officer (Benami Prohibition Unit),
Kolkata & Ors.**

Mr. Ritzu Ghosal, Sr. Adv.,
Mr. Sayantan Chatterjee,
Mr. Sankalp Malik,
Mr. Shikhan Sharma,
Mr. Anirban Ghosh

...for the Appellant.

Mr. Amit Sharma,
Mr. Abhishek Kr. Agrahari

...for the Respondent Nos.1, 2 & 3.

1. Upon the appellant furnishing a bank guarantee for a sum of Rs.1.90 crores within 13th October, 2025, the impugned order of confiscation shall remain stayed and the adjudicating authority shall revisit the order of confiscation and take a fresh decision after giving a reasonable opportunity of hearing to the appellant. In default, the confiscation proceeding may continue in accordance with law.
2. The authority concerned shall not be influenced by its earlier observation or any observation made in this order while deciding the matter afresh.

3. The order of confiscation shall not implement against the assets of the appellant till 13th October, 2025.
4. We make it clear that the appellant is restrained from dealing with any immoveable properties or movables like security, shares of like nature till the bank guarantee for the aforesaid amount is furnished.
5. An unconditional bank guarantee should be furnished in favour of Administrator, Income Tax Officer (Benami Prohibition Unit), Kolkata within 13th October, 2025.
6. We make it clear that we have not gone into the merits of the matter.
7. Accordingly, the appeal and the application are disposed of.
8. However, there shall be no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[Soumen Sen, C.J. (Acting)]

(Apurba Sinha Ray, J.)