IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.5315 OF 2024

Bhupendra C. Dalal .. Petitioner

Versus

The Chief Commissioner of Income-tax
(Central)-2, Mumbai & Ors .. Respondents

***Mr. Rafique Dada, Senior Advocate**, with Mr. Vipul Joshi, Prashant Ghumare, Dinkle Hariya, Sruti Kalyanikar, Advocates for the Petitioner.*

***Mr. Vipul Bajpayee**, Advocates for the Respondents.*

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.

DATE: AUGUST 4, 2025

P. C.

1. On 12th December 2024, a Division Bench of this Court (G. S. Kulkarni & Advait M. Sethna, JJ.) was pleased to pass an interim order in the above matter.

2. In the said order dated 12th December 2024, in paragraphs 3 and 4, *inter alia,* it is recorded, as follows:-

> "*3. Mr. Dada, learned senior counsel for the petitioner has tendered before the Court a notice under Section 226(3) of Income-tax Act, 1961 dated 11 December, 2024 issued by the Income-tax Officer, Central Circle-4(4), Mumbai addressed to the HDFC Bank, Tulsiani Chambers, Nariman Point, Mumbai attaching the bank account of the petitioner for recovery of tax dues, of Rs.9,55,87,922/- for A.Y. 1991-93 to 2023-24 as the notice records it to be.* ***Having heard Mr. Dada, we are of the opinion that till the adjourned date of hearing, the bank shall not disburse in favour of the Income- tax Department the amount of Rs. 9,55,87,922/- as set out in the said communication from the petitioner's bank account No. 50100174168800 held with the said branch of the HDFC Bank.***
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> *4.Mr. Dada would submit that the said bank account of the petitioner has more funds over and above Rs. 9.55 crores, He submit that as the tax demand is of Rs. 9,55,87,922/-, (9.55 crores) the petitioner be permitted to utilize the amounts over and above the said amount of 9.55 crores. In our opinion, the suggestion is fair. We direct the Petitioner shall not deal with an amount of Rs. 10 crores and maintain the same in his account and to such extent the bank account of the Petitioner shall continue to be attached qua the income tax demand in question. The petitioner would accordingly be permitted to use balance amount over and above Rs. 10 crores, subject to the said account being not attached under any other order or any other proceedings of any authority."*
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> ***(emphasis supplied)***

3. Today when the matter was called out, Mr. Dada appearing for the Petitioner submitted that the interim order be continued with a variation as set out below:-

a) The amount of Rs. 10 Crores referred above be transferred from the Saving Bank Account Number 50100174168800 maintained with HDFC bank and be put in a fixed deposit with HDFC Bank for a period of one year, renewable every year until further orders;

b) The said amount be made subject to the final orders and decisions in this Writ Petition.

4. Having heard the learned counsel for the parties, we are of the view that the variation suggested by Mr. Dada is a fair and reasonable one. We, accordingly, direct that the interim order passed by this Court on 12th December 2024 shall continue with the variation set out above in paragraph 3.

5. Stand over to 3rd September 2025 for “admission” along with Writ Petition No. 1032 of 2025.

6. We make it clear to the parties that we may dispose of the Writ Petitions at that stage itself, time permitting.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.] **[B. P. COLABAWALLA, J.]**

Aswale