OD-4

WPO/2142/2022
IA NO.GA/1/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUDERA REALTY PVT. LTD. AND ANR.

-VERSUS-

UNION OF INDIA AND ORS.

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date : 25th February, 2026.

Appearance:
Mr. Pranit Bag, Adv.
Mr. U. S. Menon, Adv.
Mr. Abhiroop Chakraborty, Adv.
...for the petitioner.

Mr. Suddhadev Adak, Adv.
Ms. Richa Pramanick, Adv.
...for the State.

Mr. Soumen Bhattacharjee, Adv.
Mr. Ankan Das, Adv.
...for the Income Tax Deptt.

The Court: This writ petition has been filed by the assessee challenging a re-assessment order dated March 31, 2022 passed under Section 147 of the Income Tax Act, 1961 by the Revenue. The Assessing Officer assessed the total income of the assessee to be Rs.24,39,41,422/- for the financial year 2013-14.

The relevant part of the finding of the Assessing Officer is quoted below:

"that the assessee made sale consideration of Rs.12,90,00,000/- (9,23,40,000 + 3,66,60,000) of two properties of 7695 sft. and 3055 sft, at 1, Shakespeare Sarani, Kolkata 700071, but failed to furnish any evidence from where it will be ascertained that the properties are same shown in both the PAN. Now, it is very clear that the assessee company has sold the different properties i.e., of Rs.12,90,00,000/- against the PAN AADCA9330K and another property of Rs.24,39,41,422/- against the PAN AACCA2826P"

It is not in dispute that the re-assessment process was initiated based on an information provided from the office of the Registrar of Assurance, Kolkata.

However, the Additional Registrar of Assurance-II, Kolkata has filed a report before the Court. The relevant part of said report is quoted below:

"It is stated and clarified that an intimation was allegedly claimed to have been sent earlier to the Revenue/Income Tax Department relating to alleged sale of one immovable property valued at Rs.12,19,70,711/- by ABL International Limited, quoting PAN: AACCA2826P, on the basis of ITS Details of Air Transactions vide Line No.20525 and Line No.20526, both dated 17.08.2013.

That the said submission pertaining to AIR (Annual Information Report) for the F.Y. -2013-14 was sent inadvertently and due to a clerical/factual error, and by mistake incorrect information came to be transmitted to the Income Tax Department.

That in fact and in reality the alleged sale of immovable property as mentioned above was never effected, and no document in respect of alleged property was ever registered in the office of the Registrar of Assurances-II, Kolkata quoting the ABL International's actual PAN: AADCA9330K.

It is further clarified and confirmed that ABL International Limited (PAN: AADCA9330K) has sold only one immovable property valued at Rs.12,19,70,711/- during the year of 2013, which was duly registered at this office.

The instant genuine transaction was registered as Being No.11746, CD Volume No.34 recorded in Book No.1, pages 7348 to 7372 in the Office of Assurances, Kolkata.

That except the aforesaid registered transaction, there exist no other registered Deed of Sale or conveyance in respect of the immovable property(s) of ABL International Ltd. for said period as per the records being preserved with this office."

The revenue does not dispute the contents of the report and acknowledges that the re-assessment proceedings was initiated based on a mistaken fact.

There is no doubt that the order dated March 31, 2022 is an appealable order. However, in view of the aforesaid admitted fact of the case, this Court allows this writ petition by quashing the re-assessment order dated March 31, 2022 and the consequential notice of demand also dated March 31, 2022 raised under Section 156 of the Act of 1961.

Accordingly, this writ petition stands disposed of. Consequently, the connected application also stands disposed of.

(KAUSIK CHANDA, J.)

A/s.