

Alkem Laboratories Limited

Civil Writ Jurisdiction Case No.8343 of 2022

FORUM

Patna High Court

ORDER DATE

28 Mar 2023

NOTE TYPE

Source extract

01 CONCLUDING COURT PASSAGE - SOURCE EXTRACT

However, subsequent to the aforesaid decisions relied upon by her, amendments have been made in the Income Tax Act which obligate the Assessing Officer to strictly adhere to the requirements under Section 148A(b) of the Act. The order or notice issued for invoking the provisions of re-assessment/re-computation under Section 147 and 148 of the Act is under statutory obligation to adhere to the requirements as stipulated under Section 148A of the Act. As the illegality in issuance of notice, is manifest, we have considered it just and proper to nip in the bud by giving the revenue authorities an opportunity to correct what was incorrectly done. This we consider to be in the interest of revenue as also in the interest of the assessee. Considering the nature of information as furnished to the petitioner with notice under Section 148A(b) of the Act, in our view, the challenge to the notice dated 14.03.2022 is sustainable. Situated thus, the petitioner's challenge to the order dated 31.03.2022 passed under Section 148A(b) of the Act is also sustainable. As a consequence thereof, the notice dated 31.03.2022 issued under Section 148 of the Act cannot be sustained. In the result the notice dated 14.03.2022, issued under Section 148A(b) of the Act, the order dated 31.03.2022 passed under Section 148A(d) of the Act and the notice dated 31.03.2022 under Section 148 of the Act are hereby set aside. The matter is remitted back to the Assessing Officer to consider issuance of fresh notice under Section 148A(b) of the Act and proceed, accordingly in accordance with law upon furnishing clear information to the petitioner stipulated under Section 148A(b) of the Act. The application is allowed with the aforesaid observations and direction. There would be, however, no order as to cost.

SOURCE & VERIFICATION

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READ ORDER

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