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W.P.No.18729 of 2024
and
WMP.No.20548 of 2024

KRISHNAN RAMASAMY,J

This Writ Petition has been filed challenging the impugned notice dated 30.03.2023 issued by the Respondents and the consequential order passed by the 1st Respondent dated 31.03.2024 under Section 147 of the Income Tax Act, 1961 for the Assessment Year 2019-2010.

2. Mr.R.N.Eswar, learned Senior counsel for the Petitioner submitted that initially the Petitioner-Company was known as M/s.Sun Edison Energy India Private Ltd and M/s.Sherisha Technologies Private Ltd., got merged with M/s.Sun Edison Energy Private Ltd., pursuant to the order passed by the NCLT on 21.07.2022 and as per the scheme of merger the name of the Petitioner Company had changed into M/s.Sherisha Technologies Private Ltd., and the same was also duly intimated to the jurisdictional assessing

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officer on 22.11.2022 and any proceedings subsequent to 21.07.2022, has to be initiated only against the Transferee Company, but contrary to the same, the 1st Respondent issued notice under Section 148 of the Income Tax Act, 1961 against the transferor Company for the Assessment Year 2019-2020, in the old Pan Number. He further submitted that without considering the reply filed by the Petitioner and the documents submitted by it, the 1st Respondent passed the impugned order dated 31.03.2024 against the Transferor Company which is not in existence. He therefore submitted that the impugned notice dated 30.03.2023 and the consequential assessment order dated 31.03.2024 are totally in violation of principles of natural justice. Hence prayed for interim order.

2. Mr.APVR. Jayaprakash, learned Junior Standing Counsel takes notice for the Respondents.

3. Considering the facts and circumstances of the case and also

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considering the submissions made by the learned Senior counsel for the Petitioner, the Petitioner has made out a prima facie case for grant of interim order.

4. Accordingly, there shall be an order of interim stay till 16.08.2024.

5. Post on 16.08.2024.

05.08.2024
(1/2)

arr

KRISHNAN RAMASAMY,J

arr

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