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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 14627/2022 & CM APPL.44833/2022**

INDUS TOWERS LTD. (EARLIER KNOWN AS BHARTI INFRATEL LTD.) ..... Petitioner

Through: Mr.Ajay Vohra, Sr.Advocate with Mr.Rohit Jain and Mr.Aniket D.Agarwal, Advocates.

versus

ASSISTANT COMMISSIONER OF INCOME TAX & ANR. ..... Respondents

Through: Mr.Ajit Sharma, Sr.Standing Counsel with Mr.A.Renganath, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% **31.10.2022**

CM APPL.44834/2022 (exemption)

Allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(C) 14627/2022 & CM APPL.44833/2022

Present writ petition has been filed challenging the assessment order dated 30th September, 2022 passed by Respondent No. 1 under Section 143(3) of the Income Tax Act, 1961 ['the Act'], the demand notice issued under Section 156 of the Act as well as the notice dated 30th September, 2022 initiating proceedings for levy of penalty under Section 274 read with

Section 270A of the Act for the Assessment Year 2020-21. Petitioner seeks a direction to the respondent to restrain them from giving effect to/proceeding further pursuant to the impugned order as well as demand notice.

Learned senior counsel for the petitioner states erstwhile Indus Towers amalgamated with Bharti Infratel Limited with effect from 19th November, 2020 pursuant to the orders dated 31st May, 2019 and 22nd October, 2020 passed by the NCLT, Chandigarh. He states that subsequently the name of Bharti Infratel Limited changed to Indus Towers Ltd. He states that for the period prior to the amalgamation, Bharti Infratel as well as the erstwhile Indus Towers were filing regular income tax returns and were assessed to tax under the provisions of the Act. He states that the cases of Bharti Infratel and the Petitioner as a successor-in-interest of erstwhile Indus Towers were separately selected for detailed scrutiny under Section 143(2) of the Act. He further states that separate notices under Section 142(1) were issued to the Petitioner with respect to the assessment proceedings initiated in the cases of Bharti Infratel and the Petitioner as a successor-in-interest of erstwhile Indus Towers which were replied to in detail by the Petitioner.

Learned senior counsel for the petitioner states that the Petitioner in its replies made several requests seeking a personal hearing before the respondents. He states that despite the Petitioner's specific requests, the Respondents without issuing any show-cause notice and granting any personal hearing passed the impugned assessment order.

Issue notice. Mr.Ajit Sharma, learned senior standing counsel for the respondents-revenue, accepts notice. He has handed over a photocopy of the rectification order dated 29th October, 2022 whereby the demand has been reduced from approximately Rs.1700 crores to Rs.109,07,67,262/-. He prays for and is permitted to file a counter affidavit within four weeks. Rejoinder affidavit, if any, be filed before the next date of hearing.

List on 8th February, 2023.

Till the next date of hearing, the time to file the appeal is extended.

MANMOHAN, J

MANMEET PRITAM SINGH ARORA, J

OCTOBER 31, 2022
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