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

\+ **<u>W.P.(C) 16563/2022 & CM APPL. 52078/2022</u>**

M/S SHRI RADHEY INTERMEDIARIES PVT LTD ..... Petitioner
Through: Mr Shivam Sharma & Mr Tanveer Gaur, Advocates.

versus

ASSISTANT COMMISSIONER OF INCOME TAX 23(3) & ORS. ..... Respondents
Through: Mr Sunil Agarwal, Sr. Standing Counsel with Mr Utkarsh Tiwari, Advocate.

CORAM:
HON'BLE MR JUSTICE RAJIV SHAKDHER
HON'BLE MS JUSTICE TARA VITASTA GANJU

O R D E R

% **30.01.2023**

[Physical Hearing/Hybrid Hearing (as per request)]

W.P.(C) 16563/2022 & CM APPL. 52078/2022*[Application filed on behalf of the petitioner seeking interim relief]*

1. There are several prayers made in the writ petition.

2. The principal allegation against the petitioner is that it is a beneficiary of an accommodation entry provided by a proprietorship concern, namely M/s P D International. The proprietor of the said concern is said to be one Mr Pushpdeep Singhal.

3. According to the respondents/revenue, the benefit accorded to the petitioner amount to Rs**.** 2,92,90,900/-.

4. In the reply to the notice issued under Section 148A(d), the petitioner has not denied the fact that it has engaged in a transaction with the aforementioned proprietorship concern; however, where he disagrees with the department is with regard to the quantum.

4.1. According to the petitioner, it received during the relevant period, which is Assessment Year (AY) 2013-14, Rs.9,00,000/-. In this context there is a reference made to the provisions of Section 149(1)(b) of the Income Tax Act, 1961 [in short, "Act"]

5. Issue notice.

5.1 Mr Sunil Agarwal accepts notice on behalf of the respondents/revenue.

6. Counter affidavit will be filed within next six weeks.

6.1. Rejoinder thereto, if any, will be filed before the next date of hearing.

7. According to us, this is not a matter which persuades us to pass any interim order in favour of the petitioner. The interlocutory application i.e., CM APPL. 52078/2022 is, accordingly, dismissed.

7.1. However, assessment/reassessment proceedings shall be subject to the final outcome in the writ petition.

8. List the matter on 23.08.2023.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

JANUARY 30, 2023 / *ha*

Click here to check corrigendum, if any