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

\+ W.P.(C) 13848/2024

PRABIR PURKAYASTHA .....Petitioner

Through: Mr Rohit Sharma, Mr Nikhil Purohit, Mr Jatin Lalwani and Mr Jay Rawat, Advocates.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr Ravi Prakash, CGSC with Ms Taha Yasin and Ms Isha Kanth, Advocates for R-1 & 2.
Mr Puneet Rai, SSC with Mr Ashvini Kumar and Mr Rishabh Nangia, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 04.11.2024

CM APPL. 57989/2024

1. Exemption is allowed, subject to all just exceptions.

2. The application stands disposed of.

CM APPL. 57988/2024

3. Issue notice.

4. The learned counsel appearing for the Revenue accepts notice and seeks time to take instructions as to the specific information which indicates that the petitioner (hereafter *assessee*) is connected to GSPAN LLC, USA.

5. Let a comprehensive counter affidavit be filed within a period of two weeks from date. Rejoinder, if any, be filed within a period of two weeks thereafter.

6. It is the assessee's case that the entire amount received from GSPAN LLC, USA was included in the receipts that were subjected to tax during the relevant assessment year 2020-21. Thus, there is no question of any receipt from GSPAN LLC, USA escaping the assessment.

7. The learned counsel also points out that the assessment is sought to be re-opened on the basis of certain emails, which suggest that a company named GSPAN India Pvt Ltd. was to be incorporated and the assessee had a part to play in its incorporation. Reportedly, the assessee had received funds from the said entity (GSPAN India Pvt Ltd). He submits that this is clearly erroneous as, in fact, receipts are only from GSPAN LLC, USA, which was incorporated much prior to the dates of the emails. He further states that there is no material that the assessee had any part to play in incorporation of another company overseas or had received any income from any such hypothetical company.

8. In view of the above, we direct that the proceedings pursuant to the impugned notice dated 31.08.2024 may continue, however, if any assessment order is passed which is adverse to the petitioner, the same would not be given effect to till the next date of hearing.

9. The petitioner would respond to the pending notices issued by the Assessing Officer within a period of two weeks from date.

10. List on 09.12.2024.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

NOVEMBER 4, 2024
RK

Click here to check corrigendum, if any