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

\+ W.P.(C) 16958/2024

PUNIHANI INTERNATIONAL .....Petitioner

Through: Mr. Kailash Chandra and Ms. Poornima Gupta, Advocates

versus

THE ASSISTANT COMMISSIONER OF INCOME TAX, CIRCLE 49(1) DELHI .....Respondent

Through: Mr. Siddhartha Sinha, SSC and Ms. Anu Priya Nisha Minz, Advocate

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% **09.12.2024**

CM APPL. 71829/2024

1. Exemption allowed, subject to all exceptions.

2. The application stands disposed of.

W.P.(C) 16958/2024 & CM APPL. 71828/2024 (stay)

3. Issue notice.

4. Learned counsel for the respondent/Revenue accepts notice and seeks time to file counter affidavit. Let the same be filed within a period of four weeks from the date. Rejoinder, if any, be filed before the next date of hearing.

5. The petitioner has filed the present petition *inter alia* praying as under:-

"*A) Issue a writ of certiorari, or any other writ, order, or direction in the nature of certiorari to the respondent, thereby quashing/setting aside the impugned show cause notice (SCN) dated 13.08.2024 under Section 148A(b) of the Act, and the impugned order dated 28.08.2024 under Section 148A(d) of the Act and impugned Notice dated 28.08.2024 under Section 148 of the Income Tax Act, 1961.*"

6. It is the petitioner's case that statement of one Sh. Shitij Malhotra was recorded by the department on 28.12.2018. During the assessment proceedings pertaining to the said person, he has stated that he is not engaged in any real business and was only involved in providing accommodation entries on the commission basis at the rate of 1% of the amount which was deposited in his bank account.

7. On the basis of the said statement, search and seizure operations were conducted by the Revenue on 04.01.2019. This was followed by a notice dated 13.03.2020 issued to the petitioner under Section 153A of the Income Tax Act, 1961 (hereafter *the Act*). The petitioner has filed his return of income pursuant to the said notice declaring his income at Rs.7,72,70,399/- for the assessment year (AY) 2018-19. Subject to the scrutiny, the assessment proceedings culminated in the order dated 04.06.2019 assessing the petitioner's income at Rs.7,81,90,650/-.

8. The petitioner's grievance is that the assessment is sought to be reopened on the same information on which the search was already conducted and his income is sought to be again assessed under Section 153A of the Act.

9. In view of the above, we direct that the reassessment proceedings will continue. However, if an order is passed, the same would not be given effect

to, till the next date of hearing.

10. List on 24.02.2025.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

DECEMBER 09, 2024

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Click here to check corrigendum, if any