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**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/1808/2026**

GREENWOOD RESORTS PVT. LTD. AND ANR  
A PRIVATE LIMITED COMPANY INCORPORATED UNDER THE COMPANIES  
ACT.1956 (NOW COMPANIES ACT, 2013) HAVING ITS REGISTERED OFFICE  
AT 1, G S ROAD, MADHAB NAGAR, KHANAPARA, GUWAHATI-781022,  
ASSAM AND REPRESENTED BY ITS MANAGING DIRECTOR, MR.  
HIMANSHU KALITA.

2: HIMANSHU KALITA  
MANAGING DIRECTOR OF PETITIONER NO.1 COMPANY AND SON OF MR.  
BHAGYA KALITA  
R/O- PIYALI PHUKAN ROAD  
REHABARI  
GUWAHATI  
ASSAM -781008

VERSUS

THE UNION OF INDIA AND ORS  
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT OF INDIA,  
MINISTRY OF FINANCE, ROOM NO.46, NORTH BLOCK, NEW DELHI-110001.

2:THE PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL CIRCLE)  
AAYAKAR BHAWAN  
G.S. ROAD  
DISPUR  
GUWAHATI-781005.

3:THE ASSISTANT COMMISSIONER OF INCOME TAX  
CENTRAL CIRCLE-1  
GUWAHATI  
AAYAKAR BHAWAN  
G S ROAD  
DISPUR  
GUWAHATI-781005.

4:NATIONAL FACELESS ASSESSMENT CENTRE  
DELHI  
INCOME TAX DEPARTMENT  
ARA CENTRE  
E-2  
GROUND FLOOR  
JHANDEWALA EXTENSION  
NEW DELHI-11000

**Advocate for the Petitioner** : MR P K BORA, MR. A. KAUSHIK, B SARMA, MR S J SAIKIA, MR. N N DUTTA, MR P BARUAH, DR. ASHOK SARAF

**Advocate for the Respondent** : DY.S.G.I., SC, INCOME TAX

**BEFORE**  
**HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 26.03.2026**

Heard Dr. A Saraf, learned Senior counsel assisted by Mr. A Kaushik, learned counsel for the petitioner. Also heard Mr. S Chetia, learned standing counsel, Department of Income Tax, Assam.

2. The petitioner, in the present proceedings, has challenged a notice dated 13.02.2026, issued by invoking the provisions of 148 A (1) of the Income Tax Act, 1961, pertaining to the assessment year 2020-2021. The Assessing Authority, vide the said notice, is proposing to reopen a completed assessment on the ground that, income, chargeable to tax, had allegedly escaped assessment.

3. Dr. A Saraf, learned Senior counsel has submitted that after the search and seizure operation, carried out in the premises of the petitioner, and, therein, materials having come on record, with regard to suppressed sale, the petitioner had disclosed such suppressed sales in the return filed under Section 158(c) of the Income Tax Act, 1961, and had projected 8%, thereof, to be the income amenable to income tax. However, by the

impugned notice, it is submitted that the entire suppressed sale, which was, subsequently, disclosed by the petitioner, is now being treated as income of the petitioner without, however, providing for the expenditure that has to be incurred by the petitioner for generating the said sale and a profit, thereof. Dr. A Saraf, learned counsel submits that the profit from the sale involved, would only be amenable to income tax and not the entire sale proceedings.

3. In support of his submissions, Dr. A Saraf, learned counsel has referred to the decision of the Gujarat High Court in the case of ***Commissioner of IT Vs. President Industries*** reported in ***(2002) 258 ITR 654***, wherein, the Hon'ble Court had held that even upon detection of money receipt or unaccounted cash receipt, what can be brought to tax is the profit embedded in such receipts and not the entire receipts, themselves. Dr. A Saraf, learned Senior counsel submits that in the event the entire sale proceeds is not taken as income amenable to tax, the amount involved would be below Rs. 50,00,000/- (Rupees Fifty Lakhs Only) and accordingly, the limitation for reopening of such assessment as provided under Section 149 of the Income Tax Act, 1961, would stand attracted to the said case and the same would be barred by limitation.

4. Mr. S Chetia, learned Addl. Government Advocate submits that the notice, herein, is not the initiation of the actual proceedings but is a notice prior to initiation of the proceedings and the Income Tax authorities be permitted to proceed in the matter after receipt of clarifications from the petitioner to the issues raised in the impugned notice.

5. As the learned counsel for the petitioner has assailed the notice on the ground of jurisdiction, this Court would be required to examine the contentions so raised by the learned counsel for the petitioner, which would be permissible only after the learned counsel for the respondents completes his instructions.

6. Accordingly, issue notice returnable by 6 (Six) weeks.

7. Mr. S S Roy, learned CGC accepts notice on behalf of respondent no. 1 while Mr. S Chetia, learned standing counsel, Department of Income Tax, Assam, accepts notice on behalf of respondent no. 2, 3 & 4. Since all the respondents have been represented, no formal notice is required to be issued. However, extra copies, requisite in numbers, be furnished to the learned counsel for the respondents within 2 (Two) working days.

8. Mr. S Chetia, learned standing counsel, Department of Income Tax, Assam, to bring on record the stand of the respondents represented by him, by way of filing an affidavit on or before 30.04.2026. The petitioner to file his rejoinder, if so advised, on or before 08.05.2026.

9. Till the next returnable date, the impugned notice dated 13.02.2026, issued by the Assistant Commissioner of Income Tax i.e. the respondent no. 3, herein, shall remain stayed.

10. Registry to list this matter again on 14.05.2026.

11. An endeavour would be made to dispose of the present writ petition, provided the respondents bring on record their stand, by way of filing an affidavit.

**JUDGE**

**Comparing Assistant**