WEB COPY

Dr.ANITA SUMANTH,J.

Mr.A.P.Srinivas, learned Senior Standing Counsel accepts notice for the respondents and seeks sometime to obtain instructions and file a counter.

2. The main legal ground argued by the petitioner in this case challenging proceedings under Section 148 of the Income Tax Act, 1961 for re-assessment is that notices had been issued under Section 148 on 31.03.2021 under the erstwhile regime for re-assessment. The time for completion for re-assessment expired on 31.03.2022 and the notices were allowed to lapse.

3. While this is so, the respondents have initiated proceedings afresh under the new regime of re-assessment taking strength from the judgment of the Hon'ble Supreme Court in the case of *Union of India V. Ashish Agarwal* (Civil Appeal No.3005 of 2022, dated 04.05.2022).

4. The question that arises is as to whether at all the subsequent proceedings are valid, the respondents having initiated proceedings for re-assessment under erstwhile regime and allowed the same to lapse.

5. List on 15.12.2022. Counter by then with an advance copy served upon the petitioner.

6. Interim stay till then.

Sl 18.11.2022

https://www.mhc.tn.gov.in/judis

WEB COPY

Dr.ANITA SUMAN J.,

Sl

W.P.Nos.30788, 30794 and 30795 of 2022
and WMP Nos.30214, 30217, 30218,
30220 to 30223, 30226 and 30228 of 2022

18.11.2022

https://www.mhc.tn.gov.in/judis