

Alankit Insurance Tpa Limited vs Dy. Commissioner Of Income Tax Central ... on 25 May, 2023

Author: Rajiv Shakdher

Bench: Rajiv Shakdher

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7279/2023 & CM Nos.28308-09/2023

ALANKIT INSURANCE TPA LIMITED Petitioner
Through: Mr Sumit Lalchandra

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DY. COMMISSIONER OF INCOME TAX
CENTRAL CIRCLE 28, DELHI
Through: Mr Shailendra Singh
Counsel with Ms D
Mr Viplav Acharya
Counsels along with
Saxena, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE GIRISH KATHPALIA
ORDER

% 25.05.2023 [Physical Hearing/Hybrid Hearing (as per request)]

1. Allowed, subject to the petitioner filing legible copies of the annexures, at least three days before the next date of hearing. W.P.(C) 7279/2023&CM No.28308/2023 [Application filed on behalf of the petitioner seeking interim relief]

2. This writ petition concerns Assessment Year (AY) 2012-13.

3. The record shows that on account of search conducted on 18.10.2019 qua Alankit Group, proceedings under Section 153C have been triggered against the petitioner.

W.P.(C) 7279/2023 page 1 of 3 This is a digitally signed order.

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3.1 The record also discloses, that the assessment order was passed on 28.03.2023, followed by penalty notice dated 06.04.2023 issued under Section 274 read with section 271(1)(c) of the Act.

4. The petitioner is "other person" in terms of Section 153C of the Income Tax Act, 1961 [in short, "Act"]. The petitioner's Assessing Officer (AO), we are told, prepared a satisfaction note on 24.12.2021, which according to the counsel for the petitioner, is to also be construed as the date of search. [See Commissioner of Income Tax vs. R.R. J. Securities Limited, (2016) 380 ITR 612].

5. The record also shows, that the notice issued to the petitioner under Section 153C of the Act is dated 28.12.2021.

6. Mr Sumit Lalchandani, who appears on behalf of the petitioner, says that the proceedings triggered against the petitioner are time-barred, having regard to the fact that the relevant assessment year would commence from AY 2022-23.

6.1 In other words, the ten-year period will end in AY 2013-14.

7. Issue notice.

7.1 Mr Shailendera Singh, learned senior standing counsel, accepts notice on behalf of the respondents/revenue.

8. Counter-affidavit will be filed within eight weeks. 8.1 Rejoinder thereto, if any, will be filed at least five days before the next date of hearing.

9. List the matter on 17.10.2023.

W.P.(C) 7279/2023 page 2 of 3 This is a digitally signed order.

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10. In the meanwhile, no precipitate action will be taken against the petitioner.

11. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J GIRISH KATHPALIA, J MAY 25, 2023 aj Click here to check corrigendum, if any W.P.(C) 7279/2023 page 3 of 3 This is a digitally signed order.

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