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

+ W.P.(C) 12390/2022

LOGIX INFRATECH PRIVATE LIMITED ..... Petitioner

Through: Mr.Gaurav Jain with Ms.Akshita  
Goyal, Mr.Shubham Gupta and  
Mr.Mohit Bansal, Advocates.

versus

DEPUTY COMMISSIONER OF INCOME TAX CENTRAL  
CIRCLE 13(1) NEW DELHI ..... Respondent

Through: Mr.Ajit Sharma, Sr. Standing Counsel  
for the Revenue with A.Renganath,  
Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **26.08.2022**

**C.M.No.37212/2022**

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

**W.P.(C) No.12390/2022 & C.M.No.37211/2022**

Present writ petition has been filed challenging the order dated 28<sup>th</sup> July, 2022 passed under Section 148A(d) along with notice dated 28<sup>th</sup> July, 2022 issued under Section 148 of the Income Tax Act, 1961 ('the Act') for the assessment year 2013-14 and the proceedings initiated pursuant thereto.

Learned counsel for the Petitioner states that the Respondent initiated the proceedings under Section 148A of the Act on the basis of incorrect assumption of facts that the Petitioner has received Rs.2,35,88,43,420/- in the assessment year 2013-14. He states that vide reply dated 06<sup>th</sup> June, 2022, the Petitioner informed the Respondent that there was no such receipt or payment of the aforesaid amount during the year under consideration.

Learned counsel for the Petitioner states that the Respondent upon realizing that the information received was incorrect, changed the entire case and passed the order under Section 148A(d) of the Act on a completely new ground that the Petitioner has not proved the creditworthiness and genuineness of the parties from whom funds, which were utilized in making payments for the purchase of immovable property to the tune of Rs 235.88 crore, had been borrowed without realizing that neither any funds were borrowed nor any payments had been made to the tune of Rs.235.88 crore for purchase of property during the year under consideration.

Learned Counsel for the Petitioner states that the Petitioner had acquired the leasehold rights in a property at Noida at a premium of Rs.235,88,43,420/- in the assessment year 2011- 12, out of which payment of Rs. 23,58,84,342 (being 10% of premium) was made in the assessment year 2011-12 and the entire remaining amount of Rs.2,12,29,59,079/- (being 90% of premium) was outstanding for payment during the entire year under consideration and thus no funds were borrowed during the year under consideration.

Issue notice. Mr.Ajit Sharma, learned senior standing counsel accepts notice on behalf of the Respondent-Revenue. He prays for some time to obtain instructions.

List on 14<sup>th</sup> October, 2022.

Though the Assessing Officer is permitted to pass the assessment order, yet it is directed that the same shall not be given effect to and shall be subject to further orders to be passed by this Court.

**MANMOHAN, J**

**MANMEET PRITAM SINGH ARORA, J**

**AUGUST 26, 2022**  
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