

ITEM NO.9 Court 4 (Video Conferencing) SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).19004/2021

(Arising out of impugned final judgment and order dated 11-06-2021 in SCA No. 17756/2018 passed by the High Court of Gujarat at Ahmedabad)

INCOME TAX OFFICER, WARD NO. 3(2)(4) Petitioner(s)

VERSUS

PRITI PARAS SAVLA Respondent(s)

(FOR ADMISSION and I.R.)

Date : 03-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Balbir Singh, ASG
Mr. Raj Bahadur Yadav, AOR
Mr. Chandra Kant Sharma, Adv.
Mr. Om Prakash Shukla, Adv.
Mr. Shyam Gopal, Adv.
Mr. Raghav Sharma, Adv.
Ms. Rashmi Malhotra, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1 Mr Balbir Singh, Additional Solicitor General, submits that:

- (i) While disposing of the objections to the reopening of the assessment, filed by the assessee, the order dated 20 September 2018 (Annexure P-4) specifically mentions in paragraph 3(vii) that the assessment was completed on 26 December 2017 and the information available with the Department about the trading in the shares of Aarya Global Shares and

Securities was received on 26 March 2018 thereafter;

- (ii) A detailed investigation has been conducted by SEBI and an order has been passed on 30 November 2017 against 15 entities for manipulative trading of the scrips of the above company; and
 - (iii) The High Court in paragraph 16 of the impugned order has committed a factual error in finding that the relevant facts with regard to the shares of the above company were within the knowledge of the assessing officer as material facts of the transaction were fully and truly disclosed.
- 2 On the above premises, it has been submitted that having regard to the Explanation to Section 147 of the Income Tax Act 1961, there was a failure on the part of the assessee to fully and truly disclose all material facts necessary for the assessment on the basis of which impugned notice for reassessment was issued.
- 3 Issue notice.
- 4 Dasti, in addition, is permitted.
- 5 The respondent shall file its counter affidavit within a period of six weeks from the date of service.
- 6 List the Special Leave Petition on a non-miscellaneous day, namely, on 26 April 2022.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER