

Analysis

Suresh Kumar Mittal case:

Notice on non existent firm bad in law: *“Nonetheless, the fact stays that the notice for reopening the assessment was issued to M/s. Manoj Trading Company, a firm, which was not in existence. Such a notice is bad in law in terms of the decision of Hon’ble Supreme Court in the case of K. Adinayanamurthy 65 ITR 207. It is not a case of an error, omission or defeat etc. which could be rectified u/s 292B as the matter related to assuming the jurisdiction for making an assessment. Therefore, we are of the view that the learned counsel was right in arguing that the notice is bad in law. The consequence is that the assessment made on such a notice is also bad in law.”*