

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 9883 of 2019**

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PRINCIPAL COMMISSIONER OF INCOME TAX, CENTRAL  
Versus  
INCOME TAX SETTLEMENT COMMISSION

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Appearance:

MR SANJAY JAIN, ADDITIONAL SOLICITOR GENERAL OF INDIA WITH  
MR RAVI PRAKASH, CENTRAL GOVERNMENT STANDING COUNSEL  
WITH MR PATHIK M ACHARYA, ANKIT JAIN AND SHRI AMAN MALIK,  
ADVOCATES (3520) for the Petitioner(s) No. 1  
for the Respondent(s) No. 1,2,3,4

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**CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**

**Date : 31/05/2019**

**ORAL ORDER**

1. Heard, learned Additional Solicitor General of India Shri Sanjay Jain appearing with Shri Ravi Prakash learned Central Government Standing Counsel assisted by learned advocates Shri Ankit Jain, Shri Pathik Acharya and Shri Aman Malik, for the petitioner.
2. The petitioner, by way of captioned writ petition, challenges the order dated 30.1.2019, passed by the Income Tax Settlement Commission, Additional Bench - II, Mumbai, under Section 245D(4) of the Income Tax Act.
3. Mr. Jain learned Additional Solicitor General

of India invited the attention of this court to the preamble of the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 ('the Black Money Act', for short) and submitted that the Act has been enacted to make provisions to deal with undisclosed foreign income and assets.

4. Mr. Jain, learned Additional Solicitor General of India, referred to the provisions of sub-section (3) of Section 4 of the Black Money Act. Mr. Jain further submitted that the Settlement Commission ought to have segregated the income earned and assets acquired outside India. He then submitted that as per the provisions of sub-section (3) of Section 4, the income included in the total undisclosed foreign income and assets under the Black Money Act, does not form part of the total income under the Income Tax Act. Thus, the Settlement Commission has no authority and jurisdiction to deal with the undisclosed foreign income and assets.

5. Mr. Jain, learned Additional Solicitor General of India, further submitted that till the matter is heard by the learned Division Bench, atleast the observation be made that the order under challenge dated 30.1.2019 shall not confer jurisdiction in favour of

the Settlement Commission to decide the issue pertaining to undisclosed foreign income and assets under the Black Money Act.

6. Issue **notice**, returnable on 17.6.2019.
7. In the meantime, the order dated 30.1.2019 shall not be construed as conferring jurisdiction, if there is none, under the Black Money Act on the Settlement Commission to deal with the issue of undisclosed foreign income and assets.
8. Direct service permitted.

BINOY B PILLAI

(SANGEETA K. VISHEN,J)

