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

\+ W.P.(C) 14099/2024 & CM No.58983/2024

MADHU CHHABRA .....Petitioner

Through: Mr. V.P. Gupta, Adv.

Versus

INCOME TAX OFFICER & ANR. .....Respondents

Through: Mr. Shlok Chandra, Ms. N. Jain & Ms. Madhavi Shukla, Advs.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% 07.11.2024

1. The petitioner has filed the present petition impugning an order dated 29.08.2024 (hereafter *the impugned order*) passed under Section 148A(d) of the Income Tax Act, 1961 (hereafter *the Act*) in respect of the assessment year (AY) 2018-19. The petitioner also impugns the notice dated 29.08.2024 (hereafter *the impugned notice*) issued under Section 148 of the Act, initiating the reassessment proceedings for the AY 2018-19.

2. It is the Revenue's case that the petitioner (assessee) had not filed the return of income for the AY 2018-19. And, since certain high value transactions were noted, the same suggested that the income chargeable to tax, has escaped assessment for the relevant assessment year. Accordingly, the Assessing Officer (AO) issued a notice dated 09.08.2024 under Section 148A(b) of the Act. According to the Revenue, the assessee did not submit a reply to the aforesaid notice. Accordingly, the AO proceeded to pass the impugned order.

3. The controversy involved in the present petition, essentially, relates to the question whether the petitioner had furnished a reply in respect of the information contained in the notice issued under Section 148A(b) of the Act.

4. It is the assessee's case that a similar notice under Section 148A(b) of the Act was issued on 23.03.2022 and the assessee had filed a detailed response to the same on 07.04.2022 along with certain documents. It is stated that the AO did not proceed further with the said notice and the issue of initiation of proceedings for reassessment of income for AY 2018-19 were dropped. It is the assesee's case that the said response was also required to be considered before issuing any fresh notice under Section 148A(b) of the Act.

5. The learned counsel appearing for the Revenue, on instructions, states that the impugned order and the impugned notice be set aside and the matter be remanded to the AO for consideration afresh.

6. In view of the above, we set aside the impugned order and the impugned notice in respect of the AY 2018-19. The AO shall consider the assessee's response dated 07.04.2022 (annexed as Annexure-P5 to the present petition) as the assessee's response to the notice dated 09.08.2024 issued under Section 148A(b) of the Act, and shall take an informed decision.

7. The petition is disposed of with the aforesaid directions. Pending application is also disposed of.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

NOVEMBER 07, 2024
'gsr'

Click here to check corrigendum, if any