

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4197 OF 2025

Indrayani Ferrocast Private Limited .. Petitioner

Versus

Assistant Commissioner of Income Tax
Central Circle 1(2), Pune & Ors. .. Respondents

**WITH
WRIT PETITION NO.4200 OF 2025**

Shraddha Ispat Private Limited .. Petitioner

Versus

Assistant Commissioner of Income Tax
Central Circle 1(2), Pune & Ors. .. Respondents

**WITH
WRIT PETITION NO.4199 OF 2025**

Pushpak Steel Industries Private Limited .. Petitioner

Versus

Assistant Commissioner of Income Tax
Central Circle 1(2), Pune & Ors. .. Respondents

**WITH
WRIT PETITION NO.4198 OF 2025**

Sant Gyaneshwar Steel Private Limited .. Petitioner

Versus

Assistant Commissioner of Income Tax
Central Circle 1(2), Pune & Ors.

.. Respondents

Mr.Sanket Suhas Bora a/w Ms.Vidhi Punmiya, Mr.Amiya R. Das and Ms.Unnatii Thakkar i/b M/s.SPCM Legal, Advocates for the Petitioners.

Mr.Vikas Khanchandani, Advocate for the Respondents.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 08, 2025

P. C.

1. Rule. Respondents waive service. With the consent of the learned counsel for the parties, Rule made returnable forthwith in all the Petitions and heard finally.

2. All the above Writ Petitions *interalia* challenge the Notices issued under Section 148 of the Income Tax Act, 1961 on various grounds. One of the grounds is that the Notices have been issued by the Jurisdictional Assessing Officer when the law mandates that it has to be issued by the Faceless Assessing Officer. This is a fatal defect and therefore the Notices have to be quashed, is the argument of the Petitioner.

3. It is the Petitioners' contention that this issue is squarely covered by a decision of a Division Bench of this Court in the case of *Hexaware Technologies Ltd. V/S Assistant Commissioner of Income-tax, Circle 15(1)(2) [(2024) 162 taxmann.com 225 (Bombay)]*.

4. On the other hand, the learned advocate appearing on behalf of the Revenue stated that though it is true that this issue is concluded by the decision in *Hexaware Technologies Ltd (supra)*, the said decision has been challenged before the Hon'ble Supreme Court, and the Hon'ble Supreme Court is likely to take up the matter immediately on re-opening. He has fairly stated that there is no stay to the judgment in *Hexaware Technologies Ltd (supra)*.

5. Considering these facts, we do not propose to keep these matters pending in this Court. Once it is fully covered by the decision in *Hexaware Technologies Ltd (supra)* we are bound to follow it.

6. We accordingly set aside the impugned Notices issued under Section 148 and all other proceedings/orders emanating therefrom.

7. We however grant liberty to the Revenue to revive the above Writ Petitions in the event the decision in *Hexaware Technologies Ltd (supra)* is set aside by the Hon'ble Supreme Court on this issue. We make it clear that it will not be necessary for the Revenue to file separate Interim Applications to seek a revival of these Petitions and the same can be done simply by moving a Praecipe before this Court.

8. We also make it clear that once the Petitions are revived and restored, the same would have to be decided on their own merits considering that several other issues are also raised challenging the Notices issued under Section 148.

9. Rule is accordingly made absolute and the above Writ Petitions are also disposed of in terms thereof. However, there shall be no order as to costs.

10. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]