IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 11133 of 2023
and
W.M.P. Nos. 10992 & 10993 of 2023

M/s. Emerald Gratings Private Limited,
Represented by its Director,
Manoj Lulla ...Petitioner

Versus

1.Assessment Unit,
Income Tax Department,
National E-assessment Centre,
Delhi.

2.Income Tax Officer,
Non-Corp. Ward 2(1), Chennai,
Chennai-Wanaparthy Block,
No.121, Mahatma Gandhi Road,
Nungambakkam, Chennai – 600 034. ...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari, to call for the records on the file of the 1st respondent and quash the impugned order in ITBA/AST/S/147/2022-23/1051119756(1) dated 22.03.2023 under Section 147 r.w.s. 144B of the Income Tax Act, 1961 passed by the 1st respondent.

For Petitioner : Mr. R. Sivaraman

For Respondents : Mr. Avinash Krishnan Ravi
Standing Counsel

ORDER

Heard the learned counsel for the Petitioner and the learned Standing Counsel for the Respondents.

2. In this Writ Petition, the Petitioner has challenged the impugned Assessment Order dated 22.03.2023 passed for the Assessment Year 2018-2019. The impugned order was preceded by a notice under Section 148 of the Income Tax Act on 25.03.2022 and thereafter, a show cause notice dated 23.02.2023.

3. Learned counsel for the Petitioner would submit that the Petitioner had responded to the aforesaid notice and thereafter, sought for further time for giving additional information vide representation dated 15.03.2022. However, without considering the same, the impugned assessment order has been passed. The impugned order has challenged by the Petitioner primarily on the ground that there is a variance between the proposal in the show cause notice dated 23.02.2023 and the amount mentioned in the impugned

order.

4. That apart, it is submitted that despite Petitioner seeking for additional time vide above mentioned representations, no time was granted and impugned order has been passed. It is further submitted that the Petitioner's return was filed on 14.03.2022 pursuant to 148A(b) notice was also not considered while passing the impugned order.

5. Learned Standing Counsel for the Respondents on the other hand would submit that the impugned order is a well reasoned order and does not call for any interference. Learned Standing Counsel further submits that the Petitioner has an alternate remedy by way of an appeal and therefore, impugned order does not merit an interference in the hands of this Court under Article 226 of the Constitution of India.

6. Learned counsel further submits that impugned order is a detailed assessment order and there are several disputed questions of fact which do not warrant interference under Article 226.

7. Having considered the submissions made by the learned counsel for the Petitioner and the learned Standing Counsel for the Respondents and having perused the show cause notice dated 23.02.2023 and the records, I am of the view that the impugned order has been passed in an arbitrary manner inasmuch as there has been violation of principles of natural justice. Particularly, there is a variance between the proposed notice and the amount that has been incorporated in the impugned order.

8. That apart, the Petitioner's request for further time to furnish further information has also not been considered.

9. Under these circumstances, the impugned order dated 22.03.2023 is set aside and the matter is remitted back to the Respondents to pass a fresh order on merits after hearing the Petitioner.

10. Taking note of the return filed by the Petitioner on 14.03.2023 pursuant to the notice issued under Section 148 of the Income Tax Act and considering the fact that the dispute pertains to the Assessment Year 2018-2019, the Respondents shall endeavour to pass a fresh assessment order after

hearing the Petitioner as expeditiously as possible.

11. It is open for the Petitioner to furnish all additional information which the Petitioner seeks to rely within a period of 30 days from the date of receipt of copy of this order.

12. The Writ Petition is disposed of with the above observations. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

07.10.2025

Index : Yes/No
Neutral Citation :Yes/No
AT

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C.SARAVANAN, J.

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