IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.16616 of 2024
and
W.M.P.Nos.18231 & 18232 of 2024

M/s.Visteon Corporation,
Represented by its Authorized Signatory
Guhanantham Perumal
One Village Centre VAN Buren Township,
Michihan, United States. ... Petitioner

Vs.

The Assistant Commissioner of Income Tax
International Taxation Circle 2(2),
BSNL Building, Income Tax Officer – BSNL Tower,
No.16, Greams Road, Chennai – 600006. ... Respondent

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records comprised in the impugned order bearing DIN: ITBA/AST/S/143(3)/2024-25/1065265392(1) dated 30.05.2024 made under Section 143(3) read with Section 144C(3) of the Income Tax Act, 1961 for the Assessment Year 2022-23 on the file of the respondent, quash the same.

For Petitioner : Mr.NV.Narayanan

For Respondent : Mr.B.Ramana Kumar
Senior Standing Counsel

ORDER

In this writ petition, the petitioner has challenged the impugned Order dated 30.05.2024 passed for the Assessment Year 2022-2023 under Section 143(3) read with Section 144C(3) of the Income Tax Act, 1961 (hereinafter referred to as the "Act").

2. The petitioner, a foreign company having business in India, approached the Dispute Resolution Panel on 29.04.2024 with objections in Form 35A, after the assessing officer, namely the respondent passed a draft Assessment Order dated 31.03.2024.

3. After filing objections to the draft assessment order dated 31.03.2024 before the Dispute Resolution Panel, the petitioner also sent an intimation on 02.05.2024. The Assessing Officer / respondent, thereafter, passed the impugned Assessment Order dated 30.05.2024 stating that the intimation was filed beyond the period of 30 days as prescribed under Section 144C of the Act.

4. After the impugned assessment order was passed, the petitioner approached this Court, immediately, by filing the present writ petition. The petitioner also secured an interim order on 09.07.2024, which was extended until further orders vide Order dated 14.10.2025.

5. Since the impugned assessment order was passed in the collateral proceedings, the Dispute Resolution Panel also passed an order on 28.12.2024, by which the objections filed by the petitioner to the draft Assessment Order dated 31.03.2024 were dismissed with the following observations:

> *"3. We note that the Assessee has filed the objections before the Panel within the due date, however, as per the provisions of Section 144(C), the DRP has jurisdiction only over draft assessment orders wherein variations have been proposed and not over final assessment order. With regard to the pending writ petition before the Hon'ble High Court, we note that the Hon'ble Court has not annulled but only granted interim stay until further hearing, while the hearing is still to come up before the Hon'ble HC. Hence the Panel does not get any jurisdiction to issue direction in this case until the final assessment order is annulled or invalidated and proceedings are restored back to the Panel.*
>
> *4. In the circumstances, we are of the view that the objection filed before us is not maintainable and the same is accordingly dismissed as infructuous."*

6. As per Section 144C(2)(b)(ii), on receipt of the draft assessment order, an assessee has to either file an acceptance of the variation with the Assessing Officer or, alternatively, file an objection to such variations with the Dispute Resolution Panel within the specified time limit.

7. In this case, admittedly, the objection to the draft assessment order filed with Dispute Resolution Panel on 29.04.2024 is in time. The Assessing Officer has to be merely intimated of filing of such objection with the Dispute Resolution Panel.

8. Only if there is a delay in filing the objection within the time stipulated under Section 144C of the Act with the Dispute Resolution Panel, the Assessing Officer will have jurisdiction to pass an assessment order in the light of the draft assessment order.

9. Under similar circumstances, the Court has intervened and quashed the assessment orders issued pursuant to the draft assessment order, where the assessee had already approached the Dispute Resolution Panel with objections against the draft assessment order.

10. Following the same, the impugned Assessment Order dated 30.05.2024 is quashed and the case is remitted back to the respondent to pass appropriate orders. Liberty is granted to the petitioner to work out the remedy against the Order dated 28.12.2024 as expeditiously as possible.

11. The respondent shall keep all further proceedings in abeyance for a period of 60 days from today. It is for the petitioner to revive the proceedings against the draft assessment order in the manner known to law against the Order dated 28.12.2024 before the Dispute Resolution Panel.

12. In the event the petitioner secures any such order, the respondent shall pass appropriate orders, as directed by the Dispute Resolution Panel.

13. If the petitioner fails to secure any such order, this writ petition shall be deemed to be dismissed.

14. With these observations, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

04.11.2025

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Neutral Citation : Yes / No

To

The Assistant Commissioner of Income Tax
International Taxation Circle 2(2),
BSNL Building, Income Tax Officer – BSNL Tower,
No.16, Greams Road, Chennai – 600006.

C.SARAVANAN, J.

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