IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20517 of 2025
and
W.M.P.No. 23170 of 2025

M/s. American megatrends International India Private Limited
Rep. by its Authorised Signatory
Mr.Rajesh Thirunavukkarasu
5th Floor, No.51, Old Mahabalipuram Road
Shollinganallur S.O., Shollinganallur
Kanchipuram – 600 199
Tamil Nadu, India. ... Petitioner

Vs.

Assessment Unit
Income Tax Department
Ministry of Finance
Government of India
New Delhi. ... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent in ITBA/AST/143(3)/2025-26/1076473876(1) dated 27.05.2025 and consequential notice of demand under Section 156 of the Act in ITBA/AST/S/156/2025-26/1076473928(1) dated 27.05.2025 and the consequential notice for penalty under Section 274 read with Section 270A in ITBA/PNL/S/270A/2025-26/1076473895(1) dated 27.05.2025 and consequential notice for penalty under

Section 274 read with Section 271AAC(1) in ITBA/PNL/271AAC(1)/2025-26/1076473898(1) dated 27.05.2025 and quash the same.

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For Petitioner : M/s. Hema Muralikrishnan

For Respondent : Mr. B.Ramanakumar
Senior Standing Counsel

ORDER

In this Writ Petition, the petitioner has challenged the Impugned Assessment order dated 27.05.2025 passed under Section 143(3) read with Section 144C(3) read with Section 144B of the Income Tax Act, 1961. The dispute pertains to the assessment order 2022-2023.

2. Since the petitioner had some international transaction, the transfer Pricing Officer had earlier passed an order under Section 92CA(3) on 17.01.2025. Pursuant to the said order of the Transfer Pricing Officer, the respondent herein, namely, Assessment Unit under the faceless assessment Scheme under the Act passed a Draft Assessment Order on 19.03.2025.

3. Aggrieved by the aforesaid Draft Assessment Order dated 19.03.2025,

the petitioner has filed an application before the Dispute Resolution Panel under Section 144C(2)(b). However, while filing objection before the Dispute Resolution Panel, the petitioner failed to intimate the same to the respondent and thus, the respondent has passed the Impugned Assessment Order on 27.05.2025.

4. The learned counsel for the petitioner submits that it is only a procedural irregularity committed as the petitioner failed to intimate to the respondent Assessing Officer regarding the file of objection before the Dispute Resolution Panel on 17.04.2025 under Section 144C(2)(b).

5. The learned Senior Standing Counsel for the respondent would however submit that the petitioner ought to have filed copy of such application not only before the Dispute Resolution Panel but also before the respondent Assessing Officer. Since no objection was received within the period specified in Sub-section (2) of Section 144C of the Act by the respondent, the Impugned Assessment Order has been passed and therefore, no interference is warranted. He further submits that it is for the petitioner to work out the remedy before the Appellate Authority under Section 246A of the Income Tax Act 1961 against the Impugned Assessment Order.

6. Having considered the submissions made by the learned counsel for the petitioner and the learned Senior Standing Counsel for the respondent and taking note of Section 144C(2) and (3) of the Income Tax Act, 1961 and the law settled by this Court in ***Multicore India (P) Ltd., Vs. Assessment Unit, Income-tax Department, [2024] 162 taxmann.com 638 (Madras)*** and the decisions of the Karnataka High Court in ***Open Silicon Research (P) Ltd., Vs. Assessment Unit, National Faceless Assessment Centre, Income-tax Department, New Delhi, [2023] 154 taxmann.com 11 (Karnataka)*** and also the decision of the Delhi High Court in ***Pepsico India Holdings Private Limited Vs. Assessment Unit Income Tax Department National Faceless Assessment Centre & Others, W.P.(C). 15322/2023 & CM APPL.61469 of 2023***, I am inclined to set aside the impugned order and remit the matter back to the respondent to pass a fresh order after the Dispute Resolution Panel disposes petitioner's application filed under Section 144C(2) of the Act.

7. Accordingly, the matter is remitted back to the respondent to pass appropriate orders after orders are passed by the Dispute Resolution Panel. In the result, the Impugned Assessment Order is set aside with the above direction. The Writ Petition stands allowed with the above observation. Consequently, connected Miscellaneous Petition stands closed. No costs.

8. The petitioner shall endeavour to pursue the remedy before the Dispute Resolution Panel and intimate the same to the respondent.

06.10.2025

vsg

Neutral Citation : Yes / No

To

Assessment Unit
Income Tax Department
Ministry of Finance
Government of India
New Delhi.

C.SARAVANAN, J.

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