



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

124

CWP-4785-2025 (O&M)**Date of Decision:-04.03.2025**

Sunil Dhiman

...Petitioner

Vs.

Income Tax Officer, Ward 2, Mandi Gobindgarh, HQ Sirhind & ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Rishabh Kapoor, Advocate (Through VC)
for the petitioner

Mr. Varun Issar, Sr. Standing counsel, for the respondent.

SUDEEPTI SHARMA, J.

1. Challenge in the instant writ petition is to notice dated 29.07.2022 issued under Section 148 of the Income Tax Act, 1961 (for short 'Act 1961'); assessment order dated 11.05.2023 issued under Section 147 read with Section 144 of the Act, 1961; demand notice dated 11.05.2023 issued under Section 156 of the Act, 1961 and consequential penalty notice dated 11.05.2023 issued under Section 270(A) of Act, 1961, for AY 2013-2014.

2. Learned counsel for the petitioner contends that the issue involved in the present writ petition is covered by the judgment passed by a Co-ordinate Bench of this Court in the cases of ***Jatinder Singh Bhangu vs. Union of India and others***, passed in CWP No. 15745-2024 and connected matter, decided on 19.07.2024 and ***Jasjit Singh vs. Union of India and***



others (CWP No. 21509-2023 and other connected matters), decided on 29.07.2024. Learned counsel for the petitioner has further submitted that the petitioner has preferred an appeal and the same is pending before the Appellate Authority.

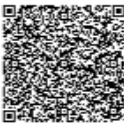
3. Learned counsel appearing for Union of India has also not disputed the same.

4. We have heard learned counsel for the parties and perused the whole records of the case.

5. The petitioner has challenged the notice dated 29.07.2022 issued under Section 148 of the Act, 1961; assessment order dated 11.05.2023 issued under Section 147 read with Section 144 of the Act, 1961; demand notice dated 11.05.2023 issued under Section 156 of the Act, 1961 and consequential penalty notice dated 11.05.2023 issued under Section 270(A) of Act, 1961, for AY 2013-2014, on the ground that the Issuing Authority had no jurisdiction to issue the same, in view of the circular/notification dated 29.03.2022 of the CBDT, wherein, it has been specifically enumerated that the NFAC has exclusive power to issue the notice under Section 148 of the Act, 1961.

6. A Co-ordinate Bench of this Court in ***Jatinder Singh Bhangu's case (supra)*** and ***Jasjit Singh's case (supra)***, allowed the writ petitions on the same issue, as raised in the present writ petition, by granting liberty to the revenue to follow the procedure as laid down under the Act, 1961 and proceed accordingly, if so advised.

7. Since in the present case, the appeal is pending before the Appellate Authority, the writ petition is disposed of with a direction to the



Appellate Authority to decide the appeal of the petitioner, in terms of the judgments mentioned above.

8. All the pending applications, if any, also stand disposed of.

(ARUN PALLI)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

04.03.2025
Gaurav Arora

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No