



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

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CWP-15479-2025

Date of decision: 02.07.2025

Green Planet Energy Pvt. Ltd.

...Petitioner

Versus

Income Tax Officer, Ward I, Phagwara & ors.

...Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Anurag Sharma, Advocate, for the petitioner.

Mr. Ranvijay Singh, Sr. Standing counsel
for the respondents.

SUDEEPTI SHARMA, J.

1. Challenge in the present petition is to notice dated 24.03.2024 issued under Section 148 of the Income Tax Act, 1961 (for short 'Act 1961'); assessment order dated 17.03.2025 issued under Sections 147 read with Section 144b of the Act, 1961; notice of demand dated 17.03.2025 issued under Section 156 of the Act, 1961 and all consequential actions, for AY 2020-2021.

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 notice dated 24.03.2024 issued under Section 148 of the Act, 1961; assessment order dated 17.03.2025 issued under Sections 147 read with Section 144b of the Act, 1961; notice of demand dated 17.03.2025 issued under Section 156 of the Act, 1961 and all consequential actions, for AY 2020-2021, 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.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

02.07.2025

Gaurav Arora

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No