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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4256/2025 and CM APPLs. 19697-98/2025**

**PURAN STORE THROUGH ITS PARTNER HARI RAM
AGARWAL**

.....Petitioner

Through: Mr Abhimanyu Jhamba with Ms
Thonpinao Thangal and Ms Ayushi
Srivastava, Advocates.

versus

**ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 43
- 1 & ORS.**

.....Respondents

Through: Ms Hemlata Rawat, JSC with Mr V.
K Saxena, Mr Dipak Raj and Mr
Subham Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

21.04.2025

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1. The petitioner has filed the present petition, *inter alia*, praying as under:

“a) A Writ of Certiorari or Writ, Order or Direction in the nature of Certiorari, or any other appropriate Writ, Order or Direction under Article 226 / 227 of the Constitution of India quashing Notice u/s 148 of the Act dated 30.03.2024 for AY 2017-18;

b) A Writ of Certiorari or Writ, Order or Direction in the nature of Certiorari, or any other appropriate Writ, Order or Direction under Article 226 / 227 of the Constitution of India quashing order u/s 148A(d) of the Act dated 30.03.2024 for AY 2017-18;

c) A Writ, order or direction under Article 226/227 of the Constitution of India staying the operation and effect of the assessment order dated 07.03.2025 till the disposal of the present



Writ Petition.”

2. It is the petitioner’s case that in terms of the assessment order dated 07.03.2025, an addition has been made on account of certain unexplained cash expenses. The petitioner claims that no such addition could have been made as that was not the ground on which the reassessment proceedings had been initiated.

3. The Assessing Officer [AO] had issued a notice under Section 148A(b) of the Income Tax Act, 1961 [**the Act**] calling upon the petitioner to respond to the information, which according to the AO was suggestive of the petitioner’s income for Assessment Year [AY] 2017-18 escaping assessment. The AO had information to the effect that large cash deposits had been made during the period 09.11.2016 to 30.12.2016 [**demonetization period**]. Thereafter, the AO passed an order under Section 148A(d) of the Act holding that it was a fit case for issuance of notice under Section 148 of the Act. The AO had issued a notice dated 30.03.2024 under Section 148 of the Act, which was accompanied by the order passed under Section 148A(d) of the Act.

4. It is the petitioner’s case that although the reassessment proceedings had been initiated on the basis of cash deposited during the demonetization period, the assessment order has been passed on completely different basis, that is, on account of unexplained expenses. It is also stated that no addition has been made on account of cash deposits during demonetization period. According to the petitioner, no addition can be made in reassessment proceedings under Section 147 of the Act if no addition has been made on the grounds on which the assessment was reopened. The petitioner also



relies on the decision of this court in *Ranbaxy Laboratories Limited v. CIT: (2011) 336 ITR 136*. The learned counsel appearing for the Revenue submits that in view of the statutory amendments to the regime for reopening of an assessment, the aforesaid decision rendered in the context of Section 147 – 151 of the Act as in force prior to 31.03.2021, may no longer hold good.

5. Concededly, the petitioner has a statutory remedy of an appeal. In view of the above, we do not consider it apposite to entertain the present petition. It would be open for the petitioner to assail the impugned notices and the assessment order in an appeal including on the grounds as stated in the present petition.

6. We clarify that we have not expressed any opinion on the merits of the rival contentions. All contentions of the parties are reserved.

7. In the event, the petitioner files an appeal within a period of two weeks from date, the same would be considered by the appellate authority uninfluenced by the question of delay.

8. The appeal is disposed of in the aforesaid terms. Pending applications are also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

APRIL 21, 2025/tr

Click here to check corrigendum, if any