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

\+ **W.P.(C) 6473/2025 & CM APPL. 29501/2025**

SAIJA FINANCE PRIVATE LIMITED

.....Petitioner

Through: Ms Ananya Kapoor, Advocate.

versus

ASSESSMENT UNIT INCOME TAX DEPARTMENT DELHI & ANR.

.....Respondent

Through: Mr Puneet Rai, SSC, Mr Ashvini Kumar Mr Rishabh Nangia, and Mr Gibran JSCs and Mr Nikhil Jain, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

O R D E R

% **19.05.2025**

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

> "A. Issue a writ of and/or order and or directions in the nature of certiorari or any other appropriate writ, order or direction quashing notice dated 07.02.2024 issued under Section 148A(b) of the Act; order dated 21.03.2024 passed under Section 148A(d) of the Act; notice dated 21.03.2024 issued under Section 148 of the Act; impugned assessment order dated 22.03.2025 passed under Section 147 of the Act; impugned demand notice dated 22.03.2025 issued under Section 156 of the Act and the penalty notice dated 22.03.2025 issued under Section 274 read with Section 271AAC(1) of the Act by the Respondent in the case of Petitioner for AY 2017-18.
>
> B. Issue a writ of and/or order and/or direction in the nature of Prohibition commanding Respondents to

forebear from giving effect to and/or taking any step whatsoever pursuant to and/or in furtherance to the impugned assessment order dated 22.03.2025 passed under Section 147 of the Act; impugned demand notice dated 22.03.2025 issued under Section 156 of the Act and the penalty notice dated 22.03.2025 issued under Section 274 read with Section 271AAC(1) of the Act and/or in any proceedings initiated thereunder for the AY 2017-18;"

2. By an order dated 15.05.2005, this court had issued a limited notice confined to the question of whether the assessment order travelled beyond the scope of the show cause notice [**SCN**]. We consider it apposite to reproduce the order dated 15.05.2025 passed by this Court, which records the issues raised by the petitioner. The same is set out below:-

"**W.P.(C) 6473/2025 and CM APPL. 29501/2025**

3. The petitioner has filed the preset petition, *inter alia*, praying as under:

> "A. Issue a writ of and/or order and or directions in the nature of certiorari or any other appropriate writ, order or direction quashing notice dated 07.02.2024 issued under Section 148A(b) of the Act; order dated 21.03.2024 passed under Section 148A(d) of the Act; notice dated 21.03.2024 issued under Section 148 of the Act; impugned assessment order dated 22.03.2025 passed under Section 147 of the Act; impugned demand notice dated 22.03.2025 issued under Section 156 of the Act and the penalty notice dated 22.03.2025 issued under Section 274 read with Section 271AAC(1) of the Act by the Respondent in the case of Petitioner for AY 2017-18.
>
> B. Issue a writ of and/or order and/or direction in the nature of Prohibition commanding Respondents to forebear from giving effect to and/or taking any step whatsoever pursuant to

and/or in furtherance to the impugned assessment order dated 22.03.2025 passed under Section 147 of the Act; impugned demand notice dated 22.03.2025 issued under Section 156 of the Act and the penalty notice dated 22.03.2025 issued under Section 274 read with Section 271AAC(1) of the Act and/or in any proceedings initiated thereunder for the AY 2017-18."

4. The learned counsel for the petitioner submits that the addition made in the assessment order is beyond the scope of the show-cause notice [**SCN**] on several grounds. First, that the SCN was confined to ₹50 crores but a larger addition that has been made. Second, that the AO has relied on a CBDT instructions, which were not put to the petitioner, therefore, the petitioner had no opportunity to respond the same. And third, that the addition was proposed to be made under Section 69A of the Income Tax Act, 1961 [**the Act**], however, the addition now made in the assessment order is under Section 68 of the Act.
5. We are not inclined to entertain the present petition on merits as the petitioner has an equally efficacious remedy of an appeal. Thus, the notice is confined to the issue of the AO travelling beyond the show-cause notice.
6. Mr Rai accepts notice and seeks time to take instructions.
7. List on 19.05.2025."

3. Mr Rai, the learned counsel appearing for the Revenue fairly states on instructions that the matter be remanded to the Assessing Officer [**AO**] for consideration afresh.

4. In view of the above, the assessment order dated 22.03.2025 in

respect of the Assessment Year 2017-18 is set aside and the matter is remanded to the AO to pass the fresh order after considering the response of the petitioner to the SCN. The AO is also not precluded from issuing a fresh show cause notice in respect of any addition/issues or any other matter in respect of which the AO proposes to pass an adverse order. We clarify that we have not examined other issues as raised by the petitioner, and all rights and contentions in respect of those issues are reserved. However, it would not be open for the petitioner to raise such issues by way of filing a separate writ petition. But would not preclude the petitioner from availing statutory appellate remedies in accordance with law. The pending application is disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

MAY 19, 2025
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Click here to check corrigendum, if any