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

\+ W.P.(C) 13912/2025

MAHARISHI TECHNOLOGY CORPORATION PRIVATE LIMITED

.....Petitioner

Through: Mr. Ved Jain, Mr. Nischay Kantoor and Ms. Soniya Dodeja, Advs.

versus

DEPUTY COMMISSIONER OF INCOME TAX CIRCLE 16(1) DELHI & ORS.

.....Respondent

Through: Mr. Gaurav Gupta, SSC, Mr. Shivendra Singh and Mr. Yojit Praeek, JSCs and Mr. Surya Jinda, Adv. for R1 & R-2
Mr. Kshitij Chhabra, and Mr. Abhijeet Vikram Singh, Advs. for R-3 (UOI)
Mr. Sarwan Kumar, Mr. Yash Baroliya, Mr. Mukesh Kumar Pandey and Mr. Praveen Gupta, Advs.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE VINOD KUMAR

O R D E R

% **10.09.2025**

CM APPL. 56967/2025

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 13912/2025 and CM APPL. 56966/2025

3. This application has been filed with the following prayers :

"A. Issue a writ and/or order and or directions in the nature of Certiorari or any other appropriate writ, order or direction quashing the impugned show cause notice dated 31.03.2025 issued by Respondent No. 1 under section 148A (1) of the Act, order dated 26.06.2025 passed by Respondent No.1 under section 148A (3) of the Act, notice dated 26.06.2025 issued by Respondent No. 1 under section 148 of the Act for AY 2019-20, prior approval granted by Respondent No. 2 before initiating reassessment proceedings and all consequential actions thereto; And

B. Issue a writ and/or order and or directions in the nature of Certiorari or any other appropriate writ, order or direction quashing the initiation of impugned re-assessment proceedings for AY 2019-20; And

C. Without prejudice to the above, pass an order or direction declaring that section 148(3) of the Act in so far as it considers 'any information in the case of the assessee for the relevant assessment year in accordance with the risk management strategy formulated by the board from time to time" within the meaning of expression 'information with the assessing officer which suggests that the income chargeable to tax has escaped assessment' and permitting reopening under section 147/148 simply on the basis of such information as manifestly arbitrary and violative of the Constitution of India; And

D. Award cost of litigation;"

4. In effect, the petitioner is challenging the notice dated 31.03.2025 issued under Section 148A(1), order dated 26.06.2025 under Section 148A(3) and also notice dated 26.06.2025 issued under Section 148 of the Income Tax Act, 1961 (the Act). The same relates to Assessment Year 2019-20.

5. Mr. Ved Jain, learned counsel for petitioner submits that the Maharishi Solar Technology Private limited ('Transferor Company 1') and Maharishi Technology Corporation Limited ('Transferor Company 2/non-existent entity') were amalgamated with Maharishi Vedic Construction Corporation Private Limited ('Transferee Company') with effect from

01.04.2015. Further, in terms of scheme of arrangement as approved by the NCLT, upon the scheme coming into effect, the name of the transferee company was changed to Maharishi Technology Corporation Private Limited. The ROC issued the Certificate of change of name to Maharishi Technology Corporation Private Limited on 05.07.2018.

6. Pursuant to the amalgamation, the petitioner duly filed revised ITR for AY 2016-17, wherein the factum of amalgamation under the Schedule "Business Organisation" was fairly disclosed.

7. He submits that on 30.10.2019, the petitioner filed its income for the AY 2019-20. A revised return was also filed on 05.03.2020.

8. He states that the petitioner received a show cause notice under section 148A(1) dated 31.03.2025 requiring the Petitioner to reply as to why Proceedings under Section 148 of the Act be not initiated for the AY 2019-20. The notice was issued on the PAN no. 'AACCM0458M' whereas the PAN no. of the Petitioner is 'AAACM8525B'. According to him, the PAN quoted in the notice pertains to the Transferor Company 1 which stands dissolved on 01.04.2015 i.e. the appointed date as prescribed in the Scheme of Amalgamation.

9. The submission of Mr. Jain is that similar proceedings were initiated by the respondents for the AY 2018-19 and 2020-21 which have been dropped pursuant to the reply submitted by the petitioner herein. Unfortunately for the AY 2019-20, an order has been passed under 148A(3) of the Act, expressing their desire to carry out re-assessment proceedings.

10. This, according to Mr. Jain, is totally illegal as the facts of AY 2019-20 are identical to the facts which were existing in AY 2018-19 and 2020-21. In any case, it is his submission that a detailed reply to the notice under

Section 148A(1) has been filed.

11. Unfortunately, the authority while passing the order under Section 148A(3) has not considered the reply in proper perspective which resulted in the issuance of the order on 26.06.2025 and also notice under Section 148 of the same date. In support of his submission, he has drawn our attention to the order passed under Section 148A(3) to contend in paragraph 6 the AO has stated "*no plausible reply has been received till date, no reasons are forthcoming*". At this stage, Mr. Jain has drawn our attention to reply filed on 17.04.2025 to the notice under Section 148A(1) wherein paragraph IV at page 267 of the petition inter alia stated as under :

> *"We would also like to bring to your Honour's kind notice that the similar notices under clause(b) of section 148A of the Income-tax Act,1961 for AY 2018-19 and AY 2020-21 and on the same facts and circumstances the case was not considered as a fit case for issuance of notice u/s 148 of the I.T. Act. Copies of the notices under clause(b) of section 148A of the Income-tax Act,1961 for AY 2018-19 and 2020-21 are enclosed and marked and Annexure-8 and Annexure-9. We are also enclosing herewith copies of order under clause (d) of section 148A for AY 2018-19 and AY 2020-21 for your Honour's ready reference and marked as Annexure-10 and Annexure-11 respectively.*
>
> *Hence it is prayed that the notice issued by you u/s 148A(1) may kindly be vacated.*
>
> *Hope you will find the above in order. We shall be pleased to furnish any information as may be desired by your Honour in this regard. In case your honour happens to hold a different view in any of the aspects of the proceedings whether discussed hereinfore or not, the same may very kindly be specified so as to enable us to make further submission, if so advised. We would also request you to allow us a personal hearing so that we can make our oral submission before your Honour."*

12. Having seen the order passed under Section 148A(3) and also noting the fact that the respondents have dropped the proceedings for the AY 2018-

19 and 2020-21, we deem it appropriate to dispose of the petition by directing the Assessing Officer to once again consider the reply filed by the petitioner and pass a reasoned order. For doing so, we set aside the order dated 26.06.2025 passed under Section 148A(3) and also notice dated 26.06.2025 issued under Section 148. The reasoned order shall be passed by the AO within a period of 6 weeks as an outer limit from the date of the receipt of the order. Suffice to state on passing of the order as per this order the parties shall proceed in accordance with law.

13. The Petition is disposed of.

V. KAMESWAR RAO, J

VINOD KUMAR, J

SEPTEMBER 10, 2025

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