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

\+ W.P.(C) 15110/2025 CM APPL. 62111/2025

REALESTATE.COM.AU PTY LIMITED .....Petitioner

Through: Mr. Tarun Gulati, Sr. Advocate with Mr. Kumar Sambhav, Mr. Pramod Kandpal, Mr. Jayant Sharma, Ms Shruti and Ms Ashome Shandilya, Advs.

versus

ASSISTANT COMMISSIONER OF INCOME TAX, CIRCLE INTERNATIONAL TAX 3(1)(1), & ANR. .....Respondent

Through: Mr. Mr. Puneet Rai, SSC, Mr. Gibran, JSC, Mr. Ashvini Kumar and Mr. Rishabh Nangia, Advs.

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

ORDER

% **16.10.2025**

1. This writ petition has been filed with the following prayers:

> *"a) Issue a Writ of Certiorari or order or directions in the nature of Certiorari or any other Writ, order or direction of like nature, to call for, examine, quash and set aside the order dated 30.06.2025 bearing DIN & Notice No.: ITBA/AST/F/148A/2025- 26/1078002536(1) (Annexure P-1) passed by Respondent No.1;*
> *b) Issue a Writ of Certiorari or order or directions in the nature of Certiorari or any other Writ, order or direction of like nature, to call for, examine and quash and set aside the consequential notice dated 30.06.2025 bearing DIN & Notice No.: ITBA/AST/S/148_1/2025-26/1078002634(1) (Annexure P-2) issued by Respondent No.1;*
> *c) Issue a Writ of Certiorari or order or directions in the nature of Certiorari or any other Writ, order or direction of like nature, to call for, examine and quash and set aside the notice dated 31.03.2025 bearing DIN & Notice No: ITBA/AST/F/148A(SCN)_1/2024-25/1075356232(1) (Annexure P-3) issued by Respondent No.2;*
> *d) For such further and other reliefs, including costs of this*

Petition, as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case."

2. In effect the challenge is to an order dated 30.06.2025 passed under Section 148A(3) of the Income Tax Act, 1961 (Act) and also a notice issued under Section 148 of the Act on the same day.

3. The submission of Mr. Gulati, learned Sr. Counsel appearing for the petitioner is that Assessing Officer had not looked into the replies filed by the petitioner including reply dated 27.06.2025, and passed an order under Section 148A(3) of the Act thereby initiating the reassessment proceedings.

4. We have perused the said order passed by the Assessing Officer. We note that a reference has been made to the reply of 22.04.2025. A further reply dated 27.06.2025 though filed but reference is not made in the order issued under Section 148A(3) of the Act. It appears the same was considered, as certain references have been made to valuation report and Tax Residency Certificate (TRC), which were only referred to by the petitioner/assessee in its reply dated 27.06.2025. The submission of Mr. Gulati is that when the petitioner is not amenable to the tax laws of this country, the issuance of notice under Section 148A(1) and then passing an order under Section 148A(3) and initiating reassessment proceedings is totally uncalled for. In fact, it is his submission that this Court in ***Angelantoni Test Technologies Srl v. Assistant Commissioner of Income Tax and others 2023 SCC OnLine Del 8486*** dated 19.12.2023 has clearly held that a foreign company investing even in India would not be amenable to the tax laws of India. He states, the facts of this case are better on merits, as the company from which the petitioner has purchased the shares is based outside India in Singapore.

5. In view of the submissions made by Mr. Gulati based on the judgment rendered by this Court, appropriate shall be that the order dated 30.06.2025 passed under Section 148A(3) so also notice under Section 148 of the Act are set aside and the matter is remanded back to the Assessing Officer for him to consider all the material placed by the petitioner pursuant to notice issued under Section 148A(1) and pass a reasoned order by considering the case laws, which have been referred to in the replies. Additionally, the petitioner is granted liberty to file note of submissions, not exceeding five pages for the consideration of the Assessing Officer within three weeks from today. On receipt of the same, the Assessing Officer shall pass a reasoned order within eight weeks from today as an outer limit. Accordingly, the order passed under Section 148A(3) of the Act dated 30.06.2025 and also notice issued under Section 148 of the Act on the same date are set aside. It goes without saying that if the petitioner has any grievance, it shall seek its remedy in accordance with law.

V. KAMESWAR RAO, J

VINOD KUMAR, J

OCTOBER 16, 2025
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