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

\+ **W.P.(C) 236/2025 & CM APPL. 1149/2025**

PARDEEP KUMAR GULATI .....Petitioner

Through: Mr Anand Chaudhuri, Mr Kumail Abbas and Mr Deepanshu Mehta, Advocates.

versus

INCOME TAX OFFICER, WARD 50 (1), DELHI .....Respondent

Through: Mr Anurag Ojha, SSC, Ms Hemlata Rawat, and Mr V K Saksena, JSCs, Mr Dipak Raj and Mr Shubham Kumar, Advocates.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% **10.01.2025**

1. The petitioner has filed the present petition, *inter alia,* impugning a notice dated 27.08.2024 (hereafter *the impugned notice*) issued under Section 148 of the Income Tax Act, 1961 (hereafter *the Act*) in respect of the assessment year (AY) 2018-19.

2. The impugned notice is set out below:-

> "Notice under section 148 of the Income-tax Act, 1961
> Sir/Madam/M/s.
>
> • I have information that a search was initiated under section 132 of the Act in your case or in the case of the person in respect of which you are the assessable under the Act on the date 11/04/2023.
>
> • I am satisfied, with the approval of Principal Commissioner or Commissioner, that books of accounts or documents, seized or requisitioned under section 132 or section 132A of the Act in case of **ZEE LAB GROUP AND OTHERS** pertains or pertain to, or any information contained therein, relate to you or the person in respect of which you are assessable under

> the Act.
> This notice is being issued after obtaining the prior approval of the **CCIT, DELHI-1** accorded on **date 27-AUG-24** vide Reference No.100000065220811 and **<u>annexed</u>** herewith.
> 2. I, therefore, propose to assess or reassess such income or recompute the loss or the depreciation allowance or any other allowance or deduction for the Assessment Year **2018-19** and I, hereby, require you to furnish, within a period of three months from the end of month in which this notice is issued, a return in the prescribed form for the Assessment Year **2018-19**."

3. The impugned notice expressly records that the assessing officer (AO) has issued the notice as he was satisfied that the books of accounts or documents, seized or requisitioned under section 132 or section 132A of the Act contains information pertaining to the petitioner. In the present case, the petitioner had made a request to the AO to provide a copy of the requisite approval and the same was provided to the petitioner.

4. It is contended on behalf of the petitioner that the satisfaction note as is required to be recorded in terms of proviso (c) to Section 148A of the Act, has not been recorded. The said contention is insubstantial.

5. Admittedly, the petitioner has annexed the copy of note prepared by the AO, which is annexed as Annexure P4. The said note sets out the information as available with the AO. The entire note is not being reproduced for the sake of brevity, however, the contents of paragraphs no.2 & 4 are clearly dispositive of the controversy and are extracted below:-

> "2. Therefore, it is noticed that the assessee has given unsecured loan amounting to Rs.68,00,000/- to Sh. Mark Gulati, which is beyond creditworthiness of the assessee as per the total income declared in the ITR. Therefore, the income of the assessee to the tune of

> Rs.68,00,000/- is believed to have escaped assessment during AY 2018-19.
>
> *** ***
>
> 4. In the instant case, as mentioned above, search has been conducted after 01.04.2021 (date of search 11.04.2023). Further, information related to the assessee has been found during the search proceedings. Thus, the conditions of explanation 2(iv) of section 148 are also complied with and AO has sufficient evidence on record to draw the satisfaction and I am satisfied that income chargeable to tax has escaped assessment in this case."

6. It is apparent from the plain language of the said note, that the AO has recorded the requisite satisfaction for issuance of the impugned notice under Section 148 of the Act.

7. In view of the above, the contention that the AO has not recorded his satisfaction note, is rejected.

8. The petition is unmerited, and accordingly, dismissed with cost quantified at ₹25,000/- to be deposited with the Delhi High Court Legal Services Committee within the period of two weeks from date. Pending application is also disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 10, 2025

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Click here to check corrigendum, if any