IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23745 of 2026

CNR No. ODHC010571302026

Sunanda Kumar Patra	….	***Petitioner (s)***
		Mrs. Kananbala Roy Choudhury, Advocate
	-versus-	
The Central Board of Direct Taxes (CBDT)& Ors.	….	***Opposite Party (s)***
		Mr. Avinash Kedia, Jr. Standing Counsel

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

HON'BLE MR. JUSTICE G. SATAPATHY

ORDER

Order No. **12.11.2026**

01.

1. This matter is taken up through hybrid arrangement.

2. The Petitioner has invoked the writ jurisdiction of this Court and seeks to quash the ex parte Assessment Order at Annexure-2 and all consequential proceedings, including the recovery proceedings at Annexure-5,

3. The fact briefly put, the Income Tax Department issued a notice dated 18.09.2024 to the Petitioner for the Assessment Year 2020-21. The Petitioner did not respond. The Assessing Officer then passed an ex parte Assessment Order dated 05.05. 2026 under Section 147 read with Sections 144 and 144B of the Income-tax Act, 1961/Annexure-2. Recovery proceedings were then started by communication dated 05.05.2026, titled "Payment of outstanding arrear/current demand for various assessment years.

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4. Learned counsel for the Petitioner submits that the Petitioner was unaware of the assessment proceedings as he was seriously ill during the relevant period and dependent on others to manage his affairs, including tax matters. Consequently, he could neither respond to the notice nor present his case before the Assessing Officer. He came to know about the demand only upon receipt of the recovery notice. He further submits that the Petitioner has so far obtained particulars only for Assessment Year 2020-21, whereas the recovery communication refers to arrears for several assessment years. He, therefore, seeks an opportunity to produce the relevant documents and be heard on merits.

5. Learned Junior Standing Counsel for the Opposite Parties opposes the prayer, contending that due notice was served on the Petitioner calling upon him to furnish the vehicle's Registration Certificate, cost of acquisition and other relevant particulars as evident from Annexure-4. However, the Petitioner neither responded to the notice nor furnished the required documents, compelling the Assessing Officer to complete the assessment ex parte on the basis of the available material. Having failed to avail himself of the opportunity afforded, the Petitioner cannot now assail the assessment on that ground.

6. This Court has considered the rival submissions and perused the record.

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7. The record reveals that despite due service of notice, the Petitioner neither submitted a reply nor furnished the documents called for. The Assessing Officer was, therefore, justified in proceeding ex parte. No procedural infirmity can be attributed to the assessment order on that count.

8. Be that as it may, the assessment was completed without considering the Petitioner's explanation or the relevant documents. His default is attributed to serious illness, an explanation which cannot be brushed aside as untenable. Remand would cause no prejudice to the Revenue, which remains at liberty to reassess the liability in accordance with law. In the interest of justice, the Petitioner deserves one final opportunity to present his case before the Assessing Officer.

9. Accordingly, the Assessment Order under Annexure-2 and all consequential proceedings under Annexure-5 are set aside, subject to the following conditions:

(i) The Petitioner shall appear before the Assessing Officer within four weeks from today and produce the Registration Certificate of the vehicle, proof of its cost of acquisition and all other documents and particulars called for.

ii) Upon such production, the Assessing Officer shall afford the Petitioner a reasonable opportunity of hearing and complete the assessment afresh, in accordance with law and uninfluenced by the earlier order, within eight weeks thereof.

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(iii) The Petitioner shall cooperate with the proceedings and shall not seek unnecessary adjournment.

(iv) In default of compliance with the first condition, the benefit of this order shall stand withdrawn, the Assessment Order at Annexure-2 shall revive and the Revenue shall be at liberty to proceed with recovery in accordance with law without further reference to this Court.

10. It is made clear that this Court has expressed no opinion on the merits of the assessment. All contentions of the parties are left open for the Assessing Officer to decide.

11. With these observations, the Writ Petition is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

(G. Satapathy)
Judge

Gitanjali

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