IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.1769 of 2023
and
W.M.P.No.1883 of 2023

World Vision India
16, VOC Main Road
Kodambakkam,
Chennai – 600024.
Represented by its Authorised Signatory,
Lisha John ... Petitioner

Vs.

1. Assessment Unit,
Income Tax Department,
Delhi.

2. Deputy Commissioner of Income Tax (Exemptions)
Chennai Circle
Room No. 303,
3rd Annexe Building,
No. 121, Mahatma Gandhi Road
Chennai – 600034, Tamil Nadu.

3. Assistant Commissioner of Income Tax (Exemptions)
Chennai
Aayakar Bhawan,
Annexe IIIrd Floor,
No. 121, Mahatma Gandhi Road
Chennai – 600034, Tamil Nadu.

4. National Faceless Assessment Centre
Income Tax Department
Ministry of Finance
Government of India, Delhi. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the First Respondent in the Assessment Order bearing Identification No. ITBA/AST/S/143(3)/2022-23/1048363187(1) dated 30.12.2022 in PAN No.AAAAW0007G passed by the First Respondent in the Petitioner's case for Assessment Year 2021-22 and consequent Notice of Demand bearing Identification No. ITBA/AST/S/156/2022-23/1048363405(1) dated 30.12.2022 issued by the First Respondent in the Petitioner's case for Assessment Year 2021-22, and quash the same.

For Petitioner : Mr.M.V.Swaroop

For Respondents : Mr.V.J.Arulraj
Senior Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Senior Standing Counsel for the respondents.

2. In this writ petition, the petitioner has challenged the impugned

Order dated 30.12.2022 passed by the 1st respondent for the Assessment Year 2021-2022.

3. By the impugned order, an assessment was completed under Section 143(3) read with Section 144B of the Income Tax Act, 1961.

4. The impugned order was passed in reliance upon the Special Audit Report submitted by an auditor appointed by the Income Tax Department under Section 142(2A) of the Income Tax Act, 1961.

5. Under similar circumstances, this Court intervened and passed an Order dated 19.12.2024 in W.P.No.23392 of 2021 for the Assessment Year 2018-2019. In paragraphs 15 and 16 of the said order, this Court observed as under:

> *"15. The Special Audit Report was for the Assessment Year 2014-2015. A reading of Section 142(2A) of the Income Tax Act, 1961 indicates that the report can relate only a particular Assessment Year as the expression used is, "if at any stage of the proceedings before him", the Assessing Officer, having regard to the nature and complexity of the accounts, volume of the accounts, doubts about the correctness of the accounts, multiplicity of*

transactions in the accounts or specialised nature of business activity of the assessee, and the interests of the revenue, is of the opinion that it is necessary so to do, he may, with the previous approval of the Principal Chief Commissioner or Chief Commissioner or Principal Commissioner or Commissioner, direct the assessee to get either or both of the following, namely:-

i. to get the accounts audited by an accountant, as defined in the Explanation below sub-section (2) of section 288, nominated by the Principal Chief Commissioner or Chief Commissioner or Principal Commissioner of Commissioner in this behalf and to furnish a report of such audit in the prescribed form duly signed and verified by such accountant and setting forth such particulars, as may be prescribed, and such other particulars as the Assessing Officer may require;

ii. to get the inventory valued by a cost accountant, nominated by the Principal Chief Commissioner or Chief Commissioner or Principal Commissioner or Commissioner in this behalf and to furnish a report of such inventory valuation in the prescribed form duly signed an verified by such cost accountant and setting forth such particulars, as may be prescribed, and such other particulars as the Assessing Officer may require."

Provided that the Assessing Officer shall not direct the assessee to get the accounts so audited or inventory so valued unless the assessee has been given a reasonable opportunity of being heard.

16. Prima facie, a reliance on the report generated for the earlier Assessment Years cannot be basis to conclude that the similar pattern would have been followed by an assessee during the subsequent Assessment Years to do so and would amounting to assessment by sampling which is frowned upon by this Court.”

6. The facts of the present case are almost identical to the case in W.P.No.23392 of 2021 dated 19.12.2024.

7. Therefore, the impugned order is quashed, and the case is remitted back to the 1st respondent to pass a fresh order for Assessment Year 2021-2022 in accordance with the Order dated 19.12.2024 passed in W.P.No.23392 of 2021 for the Assessment Year 2018-2019, within six months from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

03.03.2026

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Neutral Citation : Yes / No

To

1. The Assessment Unit,
   Income Tax Department,
   Delhi.

2. The Deputy Commissioner of Income Tax (Exemptions)
   Chennai Circle
   Room No. 303,
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4. The National Faceless Assessment Centre
   Income Tax Department
   Ministry of Finance
   Government of India, Delhi.

C.SARAVANAN, J.

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W.P.No.1769 of 2023

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