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

\+ W.P.(C) 4403/2026 CM APPL. 21462/2026 STAY

CM APPL. 21463/2026 EXEM

MAYALAND PROPERTIES PRIVATE LIMITED

.....Petitioner

Through: Mr. Kapil Sankhla, Mr. Pankaj Kapoor, Mr. Nitin Gulati, Mr. Saurabh Gangawar, Mr. Vipul Grover and Ms. Richa Sharma, Advs.

versus

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

.....Respondent

Through: Mr. Shlok Chandra, Sr. Std. Counsel with Ms. Naincy Jain, Ms. Madhavi Shukla, Jr. SCs and Mr. Udit Dad, Adv.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE VINOD KUMAR

O R D E R

% **29.04.2026**

1. By way of the present writ petition, the petitioner has challenged the Assessment Order dated 21.03.2026 on the ground that the principles of natural justice have been violated.

2. Learned counsel for the petitioner submitted that during the course of the assessment proceedings under Section 143(3) of the Income Tax Act, 1961 (*hereinafter referred to as 'the Act of 1961'*) for the Assessment Year

(AY) 2024-25 a notice dated 18.09.2025 was issued under Section 142(1) of the Act of 1961 to the petitioner. In response thereof, the petitioner filed the reply on 24.02.2026. Thereafter, another notice dated 06.03.2026 was issued to the petitioner asking him to file reply/information within three days, while fixing the date for 09.03.2026.

3. The petitioner has approached this Court with a specific case that on 09.03.2026 it could not prepare a reply because of paucity of time (i.e. three days only). Thereafter, though the petitioner has filed the reply on 18.03.2026, the respondent-Assessing Officer has passed the assessment order on 21.03.2026, without considering the petitioner's reply dated 18.03.2026.

4. Learned counsel for the petitioner argued that it was incumbent upon the respondents to grant at least one more opportunity to the petitioner, when it failed to file the reply by 09.03.2026.

5. Mr. Shlok Chandra, learned Senior Standing Counsel for the respondent, while pointing out that the writ petition is against an assessment order, raised a preliminary objection that this Court should not entertain the petition as the petitioner is having efficacious remedy in the form of statutory appeal.

6. On the petitioner's contention regarding the violation of the principles of natural justice, it was argued by Mr. Shlok Chandra that on 06.03.2026 the petitioner was asked to furnish reply by 09.03.2026, which it failed to do.

7. He added that if the petitioner was unable to prepare a reply, it ought to have applied for an adjournment by moving a proper application but since this was not done, the Assessing Officer closed the proceedings and kept the

matter for passing of the order. He submitted that since the petitioner did not ask for time and the proceedings were closed, the reply which they furnished on 18.03.2026 could not have been considered and therefore, there is neither any infirmity in the Assessment Order nor is there any breach of principles of natural justice.

8. Heard learned counsel for the parties.

9. Apparently, as the facts have emerged, there is no violation of the principles of natural justice inasmuch as when the Assessing Officer issued a notice to the petitioner on 06.03.2026 to appear on 09.03.2026, the petitioner ought to have either filed the reply or applied for an adjournment. Since the petitioner did not do so, the Assessing Officer was justified in closing the proceedings as the matter was becoming time barred on 31.03.2026.

10. We are of the view that in the era of faceless proceedings, the Assessing Officer cannot be expected to keep on adjourning the matter, as not only the hearing takes place through VC, but the dates and time slots are also fixed through a computerised system.

11. However, on perusal of the impugned assessment order, we find that even petitioner's reply, which it had filed on 24.02.2026 has not been considered. Such being the position, we feel that the assessment order suffers from a violation of the principles of natural justice, as the petitioner's reply has not been considered.

12. Hence, we are inclined to allow the writ petition and set aside the assessment order dated 21.03.2026. The assessment order dated 21.03.2026 is therefore, quashed and set aside.

13. The Assessing Officer is directed to consider the petitioner's reply, which he has filed on 24.02.2026 and hear the petitioner personally and pass

fresh assessment order in accordance with law. The Assessing Officer shall fix the next date of hearing as 11.05.2026 and send an appropriate VC link, etc. to the petitioner so that they can make their submission(s) in accordance with law. The Assessing Officer may (if so deemed appropriate) grant one or two opportunities of hearing and consider the reply filed by the petitioner. He shall however, complete the assessment proceedings by 31.05.2026 and pass an assessment order in accordance with law.

DINESH MEHTA, J

VINOD KUMAR, J

APRIL 29, 2026/*dd*