$~60

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

\+ W.P.(C) 5642/2025 & CM APPL. 25698/2025

VS AND B CONTAINERS LLC .....Petitioner

Through: Mr. Sachit Jolly, Sr. Adv. with Mr. Abhyudaya Shankar Bajpai, Adv.

versus

DEPUTY COMMISSIONER OF INCOME TAX, CIRCLE INTERNATIONAL TAX 3(1)(1) & ANR. .....Respondents

Through: Mr. Puneet Rai, SSC.

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

O R D E R

% 14.05.2026

1. By way of the present writ petition, the petitioner has challenged the assessment order dated 26.05.2022 for Assessment Year 2013-14 and consequential penalty order dated 29.03.2023 passed under Section 271(1)(c) of the Income Tax Act, 1961 (*hereinafter referred to as 'the Act of 1961'*) by the Assessing Officer (AO) .

2. Mr. Sachit Jolly, learned Senior Counsel for the petitioner, while reserving his arguments on merit, submitted that the impugned assessment order is liable to be set aside on basic issue of non observance of principles

of natural justice and the same being violative of Article 14 of the Constitution of India inasmuch as neither the notice under Section 148 of the Act of 1961 was served upon the petitioner nor any reply, etc. could be filed by it.

3. The petitioner has approached this Court with specific averments and pleadings to this effect.

4. Though no reply to the writ petition has been filed but Mr. Puneet Rai, learned Senior Standing Counsel for the respondents on instructions informed that the Department is not in a position to produce the evidence/proof of service of the notice issued under Section 148 of the Act of 1961.

5. We have therefore, every reason to infer that no notice under Section 148 of the Act of 1961 was served upon the petitioner and resultantly, the impugned assessment order is against the principles of natural justice.

6. The impugned assessment order so also the corresponding penalty order dated 29.03.2023 are hereby quashed and set aside on the sole count of non observance of natural justice.

7. The notice passed under Section 148 of the Act of 1961 is revived.

8. The AO shall serve a copy of the notice under Section 148 of the Act of 1961 alongwith the reasons to the petitioner on its email ID vinay@vsnb.com, while fixing a date of appearance/hearing at least after 15 days of such service.

9. The petitioner shall appear before the AO on the date fixed and file reply, if so desired. The proceedings shall thereafter be taken up in accordance with the law, obviously after observing the principles of natural justice.

10. The petition stands allowed, the pending application is disposed of.

11. The petitioner shall be free to take all objections, including the objection of limitation, if it proposes to contend that the proceedings were barred by limitation, as on 30.03.2021 or even as per notice under Section 148 of the Act of 1961 dated 30.03.2021.

DINESH MEHTA, J

VINOD KUMAR, J

MAY 14, 2026/*cd*