

**CWP-935-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP-935-2025 (O&M)
Date of Decision:-16.01.2025**

Virender Kumar and ors.

....Petitioners

Vs.

Income Tax Officer, Sirsa & ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**Present: Mr. Arpandeeep Narula and Mr. Piyush Mittal, Advocates
for the petitionerMs. Gauri Neo Rampal, Sr. Standing counsel (Through VC)
for the respondent-Union of India.

SUDEEPTI SHARMA, J.

1. Challenge in the instant writ petition is to notice dated 25.03.2023 issued under Section 148A (b) of the Income Tax Act, 1961 (for short 'Act 1961'); order dated 06.04.2023 issued under Section 148A (d) of the Act, 1961 and notice dated 06.04.2023 issued under Section 148 of the Act, 1961 and consequential proceedings, for AY 2016-2017.

2. Learned counsel for the petitioner contends that the issue involved in the present writ petition is covered by the judgment passed by a Co-ordinate Bench of this Court in the cases of ***Jatinder Singh Bhangu vs. Union of India and others***, passed in CWP No. 15745-2024 and connected matter, decided on 19.07.2024 and ***Jasjit Singh vs. Union of India and others*** (CWP No. 21509-2023 and other connected matters), decided on 29.07.2024 .

3. Learned counsel appearing for Union of India has also not



disputed the same.

4. We have heard learned counsel for the parties and perused the whole records of the case.

5. The petitioner has challenged the notice dated 25.03.2023 issued under Section 148A (b) of the Act, 1961, order dated 06.04.2023 issued under Section 148A (d) of the Act, 1961 and notice dated 06.04.2023 issued under Section 148 of the Act, 1961 and consequent proceedings, for AY 2016-2017, on the ground that the Issuing Authority had no jurisdiction to issue the same, in view of the circular/notification dated 29.03.2022 of the CBDT, wherein, it has been specifically enumerated that the NFAC has exclusive power to issue the notice under Section 148 of the Act, 1961.

6. A Co-ordinate Bench of this Court in ***Jatinder Singh Bhangu's case (supra) and Jasjit Singh's case (supra)***, allowed the writ petitions on the same issue, as raised in the present writ petition, by granting liberty to the revenue to follow the procedure as laid down under the Act, 1961 and proceed accordingly, if so advised.

7. In view of the above, the present writ petition is disposed of, in terms of ***Jatinder Singh Bhangu's case (supra)***, decided on 19.07.2024 and ***Jasjit Singh's case (supra)***, decided on 29.07.2024

8. All the pending applications, if any, also stand disposed of.

(ARUN PALLI)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

16.01.2025

Gaurav Arora

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No