IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23186 of 2025

M/s. Bharatiya Fincom Private Limited	....	***Petitioner***

Mr. Jagamohan Pattanaik, Advocate

-versus-

The Principal Chief Commissioner of Income Tax, Odisha Region and others	....	***Opposite Parties***

Mr. Subash Chandra Mohanty, Senior Standing Counsel

CORAM:
THE HON'BLE THE CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER
12.09.2025

Order No.

01. ***W.P.(C) No.23186 of 2025 and I.A. No.13890 of 2025***

1. Challenging order dated 12th June, 2025 passed under Section 148A of the Income Tax Act, 1961, *vide* Annexure-4 in connection with notice dated 25th March, 2025 *vide* Annexure-2 by the Income Tax Officer, Ward 1(1), Bhubaneswar along with notice under Section 148 of the said Act, the petitioner has approached this Court by way of filing this writ petition invoking provisions under Articles 226 and 227 of the Constitution of India.

2. Mr. Jagamohan Pattanaik, learned counsel appearing for the petitioner advanced argument that the aforesaid order and

notices of the Income Tax Officer, Ward 1(1), Bhubaneswar is without jurisdiction and authority in law, inasmuch as the same is beyond the scope of Section 151A read with Section 144B of the Income Tax Act, 1961 (for short, "the IT Act").

2.1. Referring to a notification dated 29th March, 2022 issued by the Ministry of Finance, *i.e.*, e-Assessment of Income Escaping Assessment Scheme, 2022, he submitted that modality has been prescribed for automated allocation of cases to be done in a faceless manner in view of provisions of Section 144B of the IT Act for the purpose of making of re-assessment of total income of assesse.

2.2. It is submitted that since the jurisdictional Assessing Officer has issued notice under Section 148 of the IT Act, he is incompetent to proceed with the matter in terms of aforesaid scheme.

2.3. To buttress his submission, he placed reliance on the decisions rendered by the High Court for the State of Telangana at Hyderabad in *Venkatramana Reddy Patloola Vs. Deputy Commissioner of Income Tax, Circle 1(1), Hyderbad*, *WP(C) No.13353 of 2024, disposed of on 29th August, 2024 [2024 SCC OnLine TS 1375]* and *Deepanjan Roy Vs. Adit (INT TAXN)-2, Hyderbad*, *WP(C) No.23573 of 2024, disposed of on 29th August, 2024*. In the case of *Venkatramana Reddy Patloola (supra)* having taken into consideration the provisions of Section 151A of the IT Act read with the e-Assessment of Income Escaping Assessment Scheme, 2022 and Section 144B along with CBDT's order dated 6th

September, 2021 *vide* F. No.187/3/2020-ITA-I issued by the Government of India, Ministry of Finance, Department of Revenue (Central Board of Direct Taxes), said Court held that notice under Section 148 of the Income Tax Act being not issued in a faceless manner in consonance with the procedure prescribed, the entire proceeding and the assessment orders stand vitiated. The writ petition in *Deepanjan Roy (supra)* has been allowed in terms of orders passed in *Venkatramana Reddy Patloola (supra).* The said order dated 29th August, 2024 passed in *Deepanjan Roy (supra), WP(C) No.23573 of 2024* was carried to the Hon'ble Supreme Court of India, but the same stood dismissed in SLP(C) Diary No.33956 of 2025, *vide* order dated 16th July, 2025, the following:

> *"1. Delay condoned.*
>
> *2. Exemption Application is allowed.*
>
> *3. Having heard the learned counsel appearing for the petitioners-Revenue and having gone through the materials on record, we find no good reason to interfere with the impugned order passed by the High Court.*
>
> *4. The Special Leave Petition is, accordingly, dismissed.*
>
> *Pending applications, if any, shall also stand disposed of."*

3. Mr. Subash Chandra Mohanty, learned Senior Standing Counsel appearing for the opposite parties-Income Tax Department sought for four weeks' accommodation to place on record necessary instruction.

4. On perusal of record, this Court finds notice under Section 148 of the IT Act has been issued on 12th June, 2025 by the Income Tax Officer, Ward 1(1), Bhubaneswar, who is the jurisdictional assessing officer, for the assessment year 2019-20. This Court is *prima facie* perceives that the notice under Section 148 has been without adhering to mandatory faceless procedure in conformity with the provisions of Section 151A read with the e-Assessment of Income Escaping Assessment Scheme, 2022 and Section 144B of the IT Act. Therefore, it is directed that the assessing officer is restrained from proceeding further in connection with notice dated 12th June, 2025 *vide* Annexure-4 issued under Section 148 of the IT Act till the next date of listing.

5. List this matter on 10th October, 2025.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Laxmikant