IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.29374 of 2025

Swosti Educational Foundation ... ***Petitioner***

Mr.Chitrasen Parida, Advocate

-Versus-

Central Board of Direct Taxes (CBDT) and others ... ***Opposite Parties***

Mr. Subash Chandra Mohanty,
Senior Standing Counsel
Mr. Avinash Kedia, Junior Standing Counsel

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

ORDER
18.12.2025

Order No.

01. ***W.P.(C) No.29374 of 2025 and I.A. No.18273 of 2025***

1. Challenging order dated 28th March, 2025 passed under Section 148A of the Income Tax Act, 1961, vide Annexure-2 in connection with notice dated 7th March, 2025 vide Annexure-4 by the Income Tax Officer, Exemption Ward, 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. Chitrasen Parida, learned counsel appearing for the petitioner advanced argument that the aforesaid order and notices of the Income Tax Officer, Exemption Ward, 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 28th March, 2025 by the Income Tax Officer, Exemption Ward, Bhubaneswar, who is the jurisdictional assessing officer, for the assessment year 2021-22. This Court is *prima facie* perceives that the notice under Section 148 has been issued 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 28th March, 2025 *vide* Annexure-1 issued under Section 148 of the IT Act till the next date of listing.

5. List this matter along with W.P.(C) No.23691 of 2025 on the date fixed.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Aswini