HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Civil Writ Petition No. 7232/2025

Sanjay Kumar Bajaj, Proprietor M/s Pawan Trading Company, 237, New Anaj Mandi Bikaner, Rajasthan.

----Petitioner

Versus

1. Union Of India, Through Secretary, Department Of Revenue, Ministry Of Finance, Government Of India, New Delhi.
2. The Chief Commissioner, Office Of The Chief Commissioner Of Income Tax, Ccit, Aaykr Bhawan, Rajast Subcity Centre, Savina, Udaipur, Rajasthan.
3. The Income Tax Officer, Office Of The Income Tax Officer, Ito Ward-1(2), Aayakar Bhawan Rani Bazar, Bikaner, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Akshat Verma with Mr. Chirag Mathur.
For Respondent(s)	:	Mr. K.K. Bissa.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

07/04/2025

1. The matter has been duly heard by this Hon'ble Court.

2. Learned counsel for the parties have brought to the attention of this Court the order dated 24.01.2025 passed by a Coordinate Bench of this Hon'ble Court in the case of ***Sidhi Vinayak Home Township Private Limited v. Union of India & Ors.***, which is reproduced verbatim hereunder:

> "We have heard learned counsel for the parties on prayer for stay.

According to learned counsel for the petitioner, in the present case, the search was conducted on 28.10.2021 and the petitioner, being a person other than the searched person, could not have been proceeded against in view of the provision contained in the first proviso of Section 149(1) as substituted vide Finance Act (No.2) Act, 2024 with effect from 01.04.2021.

Learned counsel for the petitioner relies upon the decision of Hon'ble Supreme Court in the case of Commissioner of Income Tax 14 Vs. Jasjit Singh [Civil Appeal No.6566 of 2023] decided on 26.09.2023 and the decision of the Delhi High Court in the case of Kad Housing Private Limited Vs. Deputy Commissioner of Income Tax Central Circle 6 [W.P. (C) 14866/2024 and CM Appl. 62415-16/2024] decided on 23.10.2024.

On the other hand, learned counsel for the respondents reserving his right to file reply/application would submit that on a plain reading of the provision contained in new Section 149, the period of limitation was still available on the date of issuance of the notice under Section 148 i.e. 26.03.2024.

Having considered the submissions of learned counsel for the parties and various judgments cited at the bar, particularly, Jasjit Singh(supra) and Kad Housing Private Limited(supra), a strong prima facie case is made out in favour of the petitioner that the initiation of proceedings appears to be prima facie time barred.

Therefore, we are inclined to protect the petitioner in the manner that the respondents shall not proceed further pursuant to the impugned notices dated 26.03.2024 (AY 2013-14 as well as 2014-15) until further orders.

List this case after four weeks. Reply be filed in the meantime.

Respondents shall be at liberty to file application under Article 226(3) for vacating the stay."

3. In light of the aforesaid order having been passed and upon the joint submission of the learned counsel for both parties, let notice be issued to the respondents.

4. Mr. K.K. Bissa, learned counsel accepts notice on behalf of all the respondents and seeks some time to complete his instructions.

5. Time prayed for is allowed.

6. List the matter on 21.04.2025 alongwith DBCWP No.1390/2025.

7. In the meanwhile, the respondents are restrained from taking any coercive steps in pursuance of the impugned notices/Orders dated 30.03.2024 (Annexure-3), until further orders.

8. The respondents shall be at liberty to prefer an application under Article 226(3) of the Constitution of India for vacation of this interim order.

(SUNIL BENIWAL),J **(DR.PUSHPENDRA SINGH BHATI),J**

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