

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

ITAT 196/2025
IA NO.:GA/1/2025

M/S. JAYASHREE FINVEST PRIVATE LIMITED
VS
THE INCOME TAX OFFICER, WARD 6(2) KOLKATA & ORS.

BEFORE:

THE HON'BLE JUSTICE RAJARSHI BHARADWAJ
AND
THE HON'BLE JUSTICE UDAY KUMAR
Date : 21st January, 2026.

Appearance:

Mr. Nirmal Kr. Choudhury, Adv.
Ms. Shreya Srivastava, Adv.
Mr. Ankit Chaturbedy, Adv.
...for Appellant

Mr. Aryak Dutt, SSC
Mr. Soumen Bhattacharjee, SSC
Mr. Ankan Das, Adv.
Ms. Riya Kundu, Adv.
Ms. Shradhya Ghosh, Adv.
Mr. Raunak Seal, Adv.
...for Respondents

Mr. Rajresh Kumar Shah, Adv.
...for the U.O.I

1. The Court: This intra-court appeal by the writ petitioner is directed against the order dated June 19, 2025 passed by the Hon'ble Justice Raja Basu Chowdhury in WPO no.171 of 2025 (M/s. Jayashree Finvest Private Limited v. The Income Tax Officer, Ward-6(2) Kolkata and Ors.), dismissing the writ petition challenging reassessment proceedings under Section 147 of

the Income Tax Act, 1961 (hereinafter referred to as the 'said act'), for AY 2016-17, amid allegations of procedural lapses and jurisdictional overlap.

2. The facts in a nutshell are that M/s. Jayashree Finvest Private Limited, an NBFC assessee, had its scrutiny assessment under Section 143(3) of the said Act finalized on December 12, 2018. Subsequently, on March 18, 2023, the Income Tax Officer, Ward-6(2), Kolkata (hereinafter "JAO") issued notice under Section 148A(b) alleging escapement of income to the tune of Rs.77,85,486/- from transactions with Blue Bird Mercantile Pvt. Ltd., suspected as a shell entity based on information from Insight portal and FIU-IND. The appellant promptly replied on March 31, 2023, furnishing loan confirmations, bank statements, financial records and RBI registration proofs to substantiate the genuineness of the repayment of a prior loan with interest, while questioning the reliability of unverified data. Notwithstanding this, on April 7, 2023, following approval by the PCCIT, the JAO passed the order under Section 148A(d) and issued notice under Section 148, prompting the appellant to file its return on May 5, 2023.

3. Faceless assessment proceedings under Section 144B ensued, marked by notices under Sections 143(2) and 142(1). The appellant sought adjournments and, on November 4, 2024, submitted detailed replies incorporating objections to jurisdiction citing violations of Sections 151A and 144B, alongside supporting evidence. The National Faceless Assessment Centre (NFAC) rejected these on January 15, 2025, asserting concurrent jurisdiction between JAO and NFAC, observing that while Section 144B governs assessment conduct, it does not divest the JAO of authority to issue notice under Section 148. A show-cause notice under Section 68 read with

Section 115BBE followed on January 31, 2025, culminating in an ex parte reassessment order dated February 18, 2025, adding Rs.78,72,357/- and initiating penalty proceedings under Section 271(1)(c). The writ petition assailing this order was dismissed on June 19, 2025, leading to the instant appeal.

4. The Learned Counsel appearing for the assessee/appellant submits that the ex parte reassessment order contravenes principles of natural justice, as detailed submissions dated November 4, 2024 including bank statements, loan confirmations and Section 133(6) replies from Blue Bird Mercantile Pvt. Ltd. evidencing TDS deductions and legitimate mutual fund sources were overlooked, presuming accommodation entries despite identical transactions being accepted in AY 2015-16. The inadvertent mishandling of the January 31, 2025 show-cause notice by the aged and ailing accountant deprived personal hearing, a flaw incurable at appellate stage. Jurisdictional infirmities, such as the non-reasoned Section 148A(d) order, time-bar under Section 149(1) and breaches of Sections 151A/144B, were also highlighted by the appellant, relying on ***Sri Venkataramana Reddy Patloola v. Deputy Commissioner of Income Tax*** at para 9 for voidness of jurisdictionally defective orders and ***Hexaware Technologies Ltd. v. Assistant Commissioner of Income Tax*** reported in ***(2024) 162 taxmann.com 225 (Bombay)*** at para 36.1 mandating exclusive NFAC issuance of Section 148 notices post Section 151A.

5. The Learned Counsel appearing for the revenue/respondents submits that the writ petition challenged only the assessment order dated February 18, 2025, offering no explanation for not impugning the Section 148 notice

earlier despite full participation in proceedings, rendering the post-facto jurisdiction challenges impermissible. Learned Counsel further submits that a statutory appellate remedy exists to ventilate all grievances including natural justice, Section 148 validity and procedural issues, justifying dismissal of the writ by the Single Judge solely on availability of alternate forum.

6. Having heard the learned counsel for the parties, this Court is comes up with two primary grounds, first, whether appellant can advance court arguments unpleaded in writ/appeal and second, whether JAO and NFAC can hold concurrent jurisdiction under Sections 147/144B/151A, as mentioned in NFAC's January 15, 2025 order that *"both the JAO as well assessment units under NFAC have concurrent jurisdiction... Section 144B does not provide for issuance of notice u/s.148... the JAO still has the jurisdiction"*.

7. Therefore, to consider all these grounds, let the appeal be listed on the monthly list of March, 2026 and the assessment order impugned in the writ petition and the notice of demand issued to the appellant/petitioner shall remain stayed till the appeal is disposed of.

8. Urgent certified copy, if applied for, be supplied upon compliance with requisite formalities.

(RAJARSHI BHARADWAJ, J.)

(UDAY KUMAR, J)