CWP-22044-2025

131 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2025:PHHC:097667-DB

CWP-22044-2025

Date of Decision: August 1st, 2025

VARINDER SINGH

.....Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. R.K. Bajaj, Advocate,
Mr. Vishal Bajaj, Advocate,
for petitioner.

Mr. Ranvijay Singh, Advocate,
Ms. Nikita Garg, Advocate,
for respondent(s)-Income Tax Department.

****

LISA GILL, J.

1. Challenge in the present petition is to notice and order dated 16.04.2024 issued under Sections 148 and 148A (d) of the Income Tax Act, 1961 (for short 'Act 1961"), respectively and all consequential proceedings for the Assessment year 2020-2021, on the ground that Issuing Authority had no jurisdiction to issue the same, in view of circular/notification dated 29.03.2022 of the CBDT, wherein, it has been specifically enumerated that National Faceless Assessment Centre (NFAC) has exclusive power to issue notice under Section 148 of the Act, 1961.

SUNIL
2025.08.04 15:54
I attest to the accuracy and
authenticity of this document

2. Learned counsel for petitioner contends that the issue involved in the present writ petition is covered by 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 of 2023 and other connected matters), decided on 29.07.2024.

3. Learned counsel appearing for respondents has also not disputed the same.

4. We have heard learned counsel for the parties and perused the file with their able assistance.

5. 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. Relevant portion of decision dated 19.07.2024 in **Jatinder Singh Bhangu's** case (supra) reads as under:-

> "15. From the perusal of Section 151A, it is quite evident that scheme of faceless assessment is applicable from the stage of show cause notice under Section 148 as well as 148A. Clause 3(b) of notification dated 29.03.2022 issued under Section 151A clearly provides that scheme would be applicable to notice under Section 148. Even otherwise, it is a settled proposition of law that assessment proceedings commence from the stage of issuance of show cause notice. The object of introduction of faceless assessment would be defeated if show cause notice under Section 148 is issued by Jurisdictional Assessing Officer. The respondents are heavily placing reliance upon office memorandum and letter issued by departmental authorities. It is axiomatic in tax jurisprudence that circulars, instructions and letters issued by Board or any other authority cannot override statutory provisions. The

SUNIL
2025.08.04 15:54
I attest to the accuracy and
authenticity of this document

> circulars are binding upon authorities and Courts are not bound by circulars. The mandate of Section 144B, 151A read with notification dated 29.03.2022 issued thereunder is quite lucid. There is no ambiguity in the language of statutory provisions, thus, office memorandum or any other instruction issued by Board or any other authority cannot be relied upon."

6. In view of the above, 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.

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

(LISA GILL)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

August 1st, 2025
sunil

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

SUNIL
2025.08.04 15:54
I attest to the accuracy and
authenticity of this document