HC-KAR

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 20TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.201155 OF 2025 (T-IT)

BETWEEN:

M/S KARUNA MOTORS (GULBARGA)
PRIVATE LIMITED,
REPRESENTED BY
BHEEMASHANKAR C. BILGUNDI, DIRECTOR
OPP: KHB COMPLEX, RING ROAD,
BILGUNDI GARDENS, GULBARGA-585105.

…PETITIONER

(BY SRI. S. V. RAVI SHANKAR, ADVOCATE)

AND:

Digitally signed by SHIVALEELA DATTATRAYA UDAGI
Location: HIGH COURT OF KARNATAKA

1. THE INCOME TAX OFFICER,
   WARD 1 AND TPS,
   GULBARGA.

2. NATIONAL FACELESS ASSESSMENT CENTRE,
   REPRESENTED BY
   ADDITIONAL/JOINT/DEPUTY/ASSISTANT
   COMMISSIONER OF INCOME TAX DEPARTMENT,
   MINISTRY OF FINANCE,
   ROOM NO.401, 2ND FLOOR, E-RAMP,
   JAWAHARLAL NEHRU STADIUM,
   DELHI-110003.

…RESPONDENTS

(BY SRI. M. THIRUMALESH, ADVOCATE (VC))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) ISSUE A WRIT OF CERTIORARI OR DIRECTION IN THE NATURE OF A WRIT OF CERTIORARI QUASHING THE ORDER PASSED U/SEC 143(3) R.W.S 144B DATED 20.03.2025 BEARING DIN.ITBA/AST/S/143(3)/2024-25/1074750553(1) ISSUED BY THE RESPONDENT NO.2 FOR THE ASSESSMENT YEAR 2023-24 HEREIN MARKED AS ANNEXURE-A II) ISSUE A WRIT OF CERTIORARI OR DIRECTION IN THE NATURE OF A WRIT OF CERTIORARI QUASHING THE PENALTY NOTICE U/SEC 274 R.W.S.270A OF THE ACT DATED 20.03.2025 BEARING DIN NO. ITBA/PNL/S/270A/2024-25/1074750646(1) BY THE RESPONDENT NO. 2 FOR THE ASSESSMENT YEAR 2023-24 HEREIN MARKED AS ANNEXURE-A1. III) ISSUE A WRIT OF CERTIORARI OR DIRECTION IN THE NATURE OF A WRIT OF CERTIORARI QUASHING THE PENALTY NOTICE U/S 274 R.W.S 271AAC OF THE ACT DATED 20.03.2025 BEARING DIN NO. ITBA/PNL/S/271A(1)(D)-FL/2024-25/1074739340(1) BY THE RESPONDENT NO. 2 FOR THE ASSESSMENT YEAR 2023-24 HEREIN MARKED AS ANNEXURE-A-2.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

The petitioner in the instant writ petition has challenged the assessment order dated 20.03.2025 in respect of the assessment year 2023-24, wherein the income of the petitioner is assessed at Rs.34,32,38,679/- and he has been asked to pay income tax based on the same.

2. The case of the petitioner is that, the said impugned order has been passed without taking into consideration that TDS already deducted and paid by the vendor of the petitioner. It is further submitted that, there has been an element of delay in filing of the said TDS by the vendor of the petitioner and the said TDS also has

been paid and the assessing Officer has passed the impugned order on the same day and he did not have the benefit of the same and hence, the impugned order is erroneous.

3. The learned counsel for respondent No.1 upon instruction submits that the impugned order is passed without taking into consideration the alleged TDS account said to have been paid on behalf of the petitioner by his vendor.

4. Under the circumstances, as the impugned order is passed without taking into consideration the TDS deducted and paid by the vendor of the petitioner, the impugned assessment order dated 20.03.2025 is hereby set aside and the matter is remanded back to respondent No.2 to the stage of show cause notice dated 30.01.2025, with a direction to take into consideration the TDS, if any, paid on behalf of the petitioner by his vendor and thereafter pass appropriate orders in accordance with law.

Consequently, the assessment order dated 20.03.2025 vide Annexure-A to the writ petition issued by respondent No.2 for the assessment year 2023-24; the penalty notice under Section 274 read with Section 270A of the Income Tax Act dated 20.03.2025 by the respondent No.2 for the assessment year 2023-24 vide Annexure-A1 to the writ petition; and penalty notice under Section 274 read with Section 272A(1)(d) of the Income Tax Act, dated 20.03.2025 by the respondent No.2 for the assessment year 2023-24 vide Annexure-A2 to the writ petition stand quashed and the matter stands remanded back to respondent No.2 for fresh consideration of the case of the petitioner.

Writ petition stands disposed of accordingly.

Sd/-
(M.I.ARUN)
JUDGE

SDU
LIST NO.: 1 SL NO.: 74
CT:SI