Sudhir Switchgears Private Limited v. Deputy Commissioner of Income Tax 2(3)(1) & Ors.

WP(L) 35864/2023

No neutral citation stated in supplied order | 2024-08-26

Faceless jurisdiction defect invalidates the show-cause notice, decision to reopen and section 148 notice.

Income-tax Act,1961: sections 148, 148A(b), 148A(d), 151A

High Court of Bombay | 2-judge bench (Division Bench) | G. S. Kulkarni | Somasekhar Sundaresan

Assessment years: 2019-20

01 FACTS OF THE CASE

Sudhir Switchgears challenged reopening for AY 2019-20. The JAO issued the section 148A(b) notice on 31 March 2023 and both the section 148A(d) order and section 148 notice on 27 April 2023.

Source: PDF pp.1–2, paragraphs 2–3

02 DISCUSSION BY THE HON'BLE COURT

The Court applied Hexaware to the mandatory section 151A scheme and Kairos Properties to its coverage of the preliminary section 148A(b) and 148A(d) stages. Revenue agreed that those decisions covered the proceeding; Nainraj Enterprises was also cited.

Source: PDF pp.5–6, paragraphs 5–8

03 JUDICIAL DECISION

The writ was allowed in terms of prayer (a), quashing the 31 March 2023 show-cause notice and the 27 April 2023 order and reopening notice.

Source: PDF pp.6–7, paragraph 9 and prayer (a)

04 OUTCOME / IN WHOSE FAVOUR

Rule was made absolute without costs. The Court expressly declined to answer other issues because non-compliance with section 151A was sufficient to dispose of the petition.

Source: PDF p.7, paragraphs 10–11

05 EXPERT COMMENTS

AKHB Expert Comments — editorial analysis, distinct from the Court's findings.

Review the entire initiation sequence: The relief reaches all three identified steps, not merely the final section 148 notice. Kairos matters because the Court treated the preliminary show-cause and fit-case decision as part of the same statutory scheme; examining only the last document would miss the scope of the ruling. (PDF pp.6–7, paragraphs 8–9)

Jurisdiction is the operative ground: Revenue's agreement that Hexaware and Kairos applied was followed by an express finding that the JAO lacked jurisdiction. The outcome therefore concerns who could undertake the prescribed process, and does not establish that the underlying reassessment information was factually incorrect. (PDF pp.5–7, paragraphs 5–10)

Preserve the undecided grounds: The order leaves the petitioner's other challenges unanswered. For later reliance, separate this successful scheme-based objection from limitations, evidence or substantive tax arguments that the judgment did not determine. (PDF p.7, paragraph 10)

Source: PDF pp.6–7, paragraphs 8–9

SOURCE & VERIFICATION

Original High Court judgment PDF — AKHB source repository

Complete 7-page original reviewed; source bytes verified.

Full original and all five panels re-reviewed on 21 October 2026.

Open cited source rendition

Complete original source and all five note panels checked; original docket identities preserved.

STATUTORY SCOPE

Current law and subsequent treatment not independently verified.

LATER TREATMENT

Source checked 2026-10-21. Subsequent proceedings and current judicial treatment have not been independently verified.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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