

Navdurga Advisory Pvt. Ltd., Nagpur v. Deputy/Assistant Commissioner of Income Tax, Nagpur & Ors.

Writ Petition No. 1316 of 2025

2025:BHC-NAG:7498-DB | Writ Petition No. 1316 of 2025 | 2025-08-01

Reassessment notice under section 148A(b)/(d) after IBC resolution plan approval on 22.12.2023: Court holds section 148A(d) order dated 18.04.2024 violated Ghanashyam Mishra & Sons Pvt. Ltd. v. Edelweiss ARC; petition disposed of as consequential assessment made 'nil' addition.

Income-tax Act, 1961: sections 148A(b) and 148A(d) | Insolvency and Bankruptcy Code, 2016: section 31

High Court of Judicature at Bombay (Nagpur Bench) | 2-judge bench (Division Bench) | Anil L. Pansare, J. | M. M. Nerlikar, J.

Assessment years: Pre-resolution period (Resolution Plan approved 22.12.2023)

Finding of Ghanashyam Mishra violation coupled with non-survival of lis due to nil addition in subsequent assessment

Although the Division Bench expressly held in paragraph 5 that issuing the section 148A(d) order on 18.04.2024 after the resolution plan approval on 22.12.2023 violated Ghanashyam Mishra (2021 (9) SCC 657), the petition was disposed of because the consequential assessment made no addition.

01 FACTS OF THE CASE

Despite the approval of a resolution plan under the IBC on 22.12.2023 and the petitioner's explicit reply bringing that approval on record, Respondent No. 1 issued a notice under section 148A(b) on 28.03.2024 and passed an order under section 148A(d) on 18.04.2024. Subsequently, the assessment was completed without making any addition to income.

Source: [Paragraphs 1-4; PDF pp. 1-2](#)

02 DISCUSSION BY THE HON'BLE COURT

Applying *Ghanashyam Mishra and Sons Pvt. Ltd. v. Edelweiss Asset Reconstruction Company Ltd.* (2021 (9) SCC 657), the Division Bench held that issuing the notice/order under section 148A(d) after the resolution plan had been approved on 22.12.2023 was in clear violation of Supreme Court precedent. Recording the assurance of Revenue's counsel that instructions would be issued to the Department to take utmost care henceforth, and noting that the completed assessment resulted in no addition or loss to the petitioner, the Bench closed the petition.

Source: [Paragraphs 4-7; PDF p. 2](#)

03 JUDICIAL DECISION

Disposed of Writ Petition No. 1316 of 2025 recording the breach of *Ghanashyam Mishra*, the Department's assurance of future compliance, and the absence of any surviving prejudice.

Source: [Paragraphs 5-7; PDF p. 2](#)

04 OUTCOME / IN WHOSE FAVOUR

Assessee - Section 148A(d) order held violative of *Ghanashyam Mishra*; Department undertook to exercise care henceforth and writ petition disposed of as final assessment made nil addition.

Source: [Paragraphs 5-7; PDF p. 2](#)

05 AKHB REVIEW POINT

AKHB analysis: even where the AO intends to pass a 'nil' variation order, issuing a post-resolution-plan section 148A(d) order for a pre-CIRP period breaches the clean-slate doctrine of Ghanashyam Mishra.

Source: [Paragraphs 4-7; PDF p. 2](#)

SOURCE & VERIFICATION

[High Court of Judicature at Bombay \(Nagpur Bench\) official judgment PDF - AKHB Cloud Repository \(20250801_HCBM040067352025.pdf\)](#)

2-page official High Court of Judicature at Bombay (Nagpur Bench) judgment PDF (20250801_HCBM040067352025.pdf).

Supplied source-reviewed note retained; original bytes and identity validation checked in this release. Substantive re-review is not claimed for this record.

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All 2 physical pages of 20250801_HCBM040067352025.pdf read and verified page-by-page. Original bytes (53,250 bytes) match SHA-256 93e64979d6d890321390e7f5490439495448158471e87d6df3d26996e50771e3.

STATUTORY SCOPE

Applies sections 148A(b) and 148A(d) of the Income-tax Act, 1961 read with the Insolvency and Bankruptcy Code, 2016. Income-tax Act, 2025 equivalence is not verified.

LATER TREATMENT

Source checked 2026-10-18. Full primary judgment PDF read page-by-page and verified against the AKHB Google Drive repository. Comprehensive subsequent judicial treatment has not been independently verified.

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