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), 148A(d); resolution-plan precedent

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

Assessment years:

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

Navdurga sought to quash the section 148A(b) communication dated 28 March 2024 and the section 148A(d) communication dated 18 April 2024. Its resolution plan had been approved on 22 December 2023, and it had brought that approval to the officer’s attention in its response. Revenue informed the Court that the subsequent assessment made no addition to income.

Source: PDF pp. 1-2, paras 1-4

02 DISCUSSION BY THE HON'BLE COURT

The Court asked whether the officer should have proceeded after the reply disclosed approval of the resolution plan. It held that issuance under section 148A(d) violated Ghanashyam Mishra and Sons Pvt. Ltd. v. Edelweiss Asset Reconstruction Company Ltd., (2021) 9 SCC 657. Revenue's counsel stated that necessary instructions would be given to the Department and utmost care taken henceforth.

Source: PDF p. 2, paras 4-6

03 JUDICIAL DECISION

Because the assessment had caused no loss to the petitioner, the Court held that nothing survived and disposed of the petition without costs, recording the violation and counsel's assurance. It did not expressly quash the challenged communications or award compensation.

Source: PDF p. 2, paras 5-7

04 OUTCOME / IN WHOSE FAVOUR

Procedural disposal following a no-addition assessment, accompanied by an adverse finding about the officer's action. The order does not establish a remaining tax demand or an express annulment decree.

Source: PDF p. 2, paras 5-7

05 EXPERT COMMENTS

Separate the legal finding from the operative relief — Paragraph 5 records a violation; paragraph 7 disposes of the petition because nothing survived after the assessment caused no loss. Both must be retained. Describing the order simply as notice quashed would grant relief the operative paragraph does not state, while calling it only infructuous would erase the express criticism.

The reply was important to the Court's reasoning — The officer had been informed of the plan approval in response to the initial notice. The Court's question in paragraph 4 focuses on proceeding despite that information. A source-based analysis therefore preserves the approval date, reply and subsequent communication instead of asserting that every tax enquiry after any resolution is automatically prohibited.

Do not infer the period or scope of an unprinted claim — This short order states neither the assessment year nor the plan terms or amount of the statutory claim. The earlier label pre-CIRP period cannot be verified from it. Any wider application of Ghanashyam Mishra requires the underlying plan and claim history; this judgment records its application to this dispute without reproducing those materials.

Source: Editorial analysis; source references in the structured comments

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).

All 2 original pages read and visually inspected; source hash verified. AI-assisted substantive correction.

Open cited source rendition

Source bytes and identity checked; see panel-specific references and disclosed source anomalies.

STATUTORY SCOPE

Sections 148A(b) and 148A(d) are expressly mentioned. The order discusses resolution-plan approval through Ghanashyam Mishra but does not cite IBC section 31 or specify an assessment year.

LATER TREATMENT

Source checked 2026-10-21. Subsequent treatment not 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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