

The Joint Commissioner of Income Tax Range-1, Bilaspur (C.G.) v. M/s Jindal Power Limited, Raigarh (C.G.)

TAXC No. 15 of 2025

2026:CGHC:41477-DB | TAXC No. 15 of 2025 (Chg HC, decided 24.09.2026) | 2026-09-24

Reopening under section 147 for AY 2009-10 on four issues (100% depreciation on dam, section 14A disallowance, section 32(1)(iia) additional depreciation of Rs. 377.81 crore on power generation, and Rs. 3.47 crore pre-production interest) quashed as a mere change of opinion where specific queries were raised under section 142(1) and answered during original scrutiny.

Income-tax Act, 1961: sections 14A, 32(1)(iia), 115JB, 142(1), 143(3), 147, 148, 151(1) and 260A

High Court of Chhattisgarh | 2-judge bench (Division Bench) | Parth Prateem Sahu, J. | Sachin Singh Rajput, J.

Assessment years: 2009-10

Order reserved 30.06.2026 and delivered 24.09.2026 (file prefix 20260923)

While the source PDF filename bears the date prefix 20260923, page 1 of the official judgment records 'Order delivered on 24/09/2026' and 'Order uploaded on 24/09/2026'.

01 FACTS OF THE CASE

M/s Jindal Power Limited filed its e-return for AY 2009-10 declaring income of Rs. 95,29,85,465. During original scrutiny proceedings, the Assessing Officer issued a notice under section 142(1) dated 07.12.2011 raising specific queries on (i) 100% depreciation of Rs. 8,50,32,403 claimed on a dam, (ii) disallowance under section 14A, (iii) additional depreciation of Rs. 377.81 crore under section 32(1)(iia) on power generation, and (iv) pre-production interest and other income of Rs. 3.47 crore deducted from closing work-in-progress. After considering the assessee's replies, the AO passed an assessment order dated 28.12.2011 determining total income at Rs. 19,19,78,85,663 (reduced on appeal by the CIT(A) on 31.03.2014 to Rs. 96,55,13,861). Meanwhile, on 05.07.2013, the successor AO issued a notice under section 148 and passed a reassessment order dated 13.02.2015 under section 143(3) read with section 147 enhancing taxable income to Rs. 238,90,05,000 (with book profit of Rs. 1931.31 crore and demand of Rs. 1,93,13,18,000) on those very four grounds. By order dated 25.06.2024 in ITA No. 200/RPR/2017, the ITAT Raipur Bench quashed the reassessment order.

Source: [Pages 1-8 and 14-16 of 26 \(Paragraphs 1-10 and 17\) \(20260923 CGHC010444672024.pdf\)](#)

02 DISCUSSION BY THE HON'BLE COURT

Reviewing Supreme Court precedents from ITO v. Lakhmani Mewal Das, (1976) 3 SCC 757, Ganga Saran & Sons Pvt. Ltd. v. ITO, (1981) 3 SCC 143, and Phool Chand Bajrang Lal v. ITO, (1993) 4 SCC 77 to CIT v. Kelvinator of India Ltd., (2010) 2 SCC 723, ITO v. TechSpan India (P.) Ltd., (2018) 6 SCC 685, and Sanand Properties Pvt. Ltd. v. JCIT, 2026 SCC OnLine SC 851, the Division Bench held that where all four items were specifically queried in the notice dated 07.12.2011 under section 142(1) and examined during the original scrutiny assessment, initiating reassessment on the basis of the existing assessment record without any fresh tangible material amounted to an impermissible review based on a mere change of opinion. Further, the recorded reasons contained no allegation or satisfaction of any failure on the part of the assessee to disclose fully and truly all material facts.

Source: [Pages 9-26 of 26 \(Paragraphs 11-33\) \(20260923_CGHC010444672024.pdf\)](#)

03 JUDICIAL DECISION

Affirming the ITAT Raipur Bench's order dated 25.06.2024 quashing the reassessment order dated 13.02.2015, the Chhattisgarh High Court dismissed TAXC No. 15 of 2025.

Source: [Page 26 of 26 \(Paragraphs 33-34\) \(20260923_CGHC010444672024.pdf\)](#)

04 OUTCOME / IN WHOSE FAVOUR

In favour of the assessee (M/s Jindal Power Limited); Revenue appeal TAXC No. 15 of 2025 dismissed.

Source: [Page 26 of 26 \(Paragraph 34\) \(20260923_CGHC010444672024.pdf\)](#)

05 AKHB REVIEW POINT

AKHB analysis: Applying Kelvinator of India Ltd. ((2010) 2 SCC 723), TechSpan India ((2018) 6 SCC 685), and Sanand Properties Pvt. Ltd. (2026 SCC OnLine SC 851), once the Assessing Officer raises specific queries under section 142(1) on depreciation and section 14A claims and completes scrutiny under section 143(3), a successor AO cannot re-examine the same assessment file under section 147 without fresh tangible material.

Source: [Full judgment PDF \(26 pp.\)](#)

SOURCE & VERIFICATION

[Original judgment PDF \(20260923_CGHC010444672024.pdf\)](#)

Reviewed from the complete 26-page official High Court judgment PDF (20260923_CGHC010444672024.pdf, SHA-256: f12bc96ab984ea0d3d186ecba47f22f41ae00bed2ae8b95c878ac54a22cc6b97).

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

Open cited source rendition

Primary source verified page-by-page (26 physical pages, 297,838 bytes, SHA-256: f12bc96ab984ea0d3d186ecba47f22f41ae00bed2ae8b95c878ac54a22cc6b97). Cloud Google Drive File ID: 1Pu1WIBF6XupZT6sotZae8S31IUWt1BID
(<https://drive.google.com/file/d/1Pu1WIBF6XupZT6sotZae8S31IUWt1BID/view>).

STATUTORY SCOPE

Refers to the Income-tax Act, 1961 and allied statutory rules/circulars as applicable to the relevant assessment years.

LATER TREATMENT

Source checked 2026-10-18. No subsequent Supreme Court reversal or stay is recorded in the source judgment text.

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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