# Paras Chandreshbhai Koticha v. Income Tax Officer Ward-1(2)(2) (and 22 connected Special Civil Applications)

R/Special Civil Application Nos. 17933, 17935, 17938 & 17939 of 2018; 18983, 18985, 18986 & 18987 of 2019; 216, 3563, 3564, 4890, 5350, 5422, 5855, 5858, 5861, 5864, 5901, 17675 & 26206 of 2022; and 16341 & 16723 of 2025

R/Special Civil Application No. 17933 of 2018 & 22 connected SCAs (Guj HC, decided 07.01.2026) | 2026-01-07

## Pre-2021 search material and sections 153A/153C versus 147/148: independent post-search ITSC admissions sustain Navratna reopening; search-material-only reopening fails in the other groups.

Income-tax Act, 1961 (pre-Finance Act, 2021 regime): sections 132, 132A, 147, 148, 153A, 153B, 153C and 153D | CBDT Circular No. 24/2015

High Court of Gujarat | 2-judge bench (Division Bench) | A.S. Supehia, J. | Pranav Trivedi, J.

Assessment years: 2011-12, 2012-13, 2013-14, 2014-15

### Split result across 23 distinct petitions

Eleven Group-A petitions were dismissed without prejudice in reassessment. Twelve petitions in Groups B, C and D succeeded with conditional Revenue liberty. The lead petitioner's success does not describe the entire batch.

### 01 FACTS OF THE CASE

Twenty-three petitions challenged reopening arising from searches on Navratna, K-Star, Flamingo and Affluence-related persons. For Navratna (Group A), a laptop Excel file was recovered in the 11.04.2017 search. Later ITSC admissions and purchaser data were compared with that file, revealing names and cash transactions; a 05.03.2021 communication directed the jurisdictional AOs to analyse them. Groups B and C concerned search material transmitted without satisfaction notes or identified independent material. Group D comprised the four 2018 petitions concerning persons themselves searched on 18.12.2014, with AYs 2011-12 to 2014-15 reopened under section 148 rather than the search procedure.

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## 02 DISCUSSION BY THE HON'BLE COURT

The Court treated satisfaction and transmission under section 153C as jurisdictional safeguards; their absence does not authorise section 147/148 on the same search material. For searched persons, section 153A likewise cannot be bypassed on that material. It preserved reopening based on independent information subject to statutory conditions. Applying that distinction, paragraph 72 held the later Navratna ITSC admissions and reconciled purchaser details an independent source: names were not revealed from the seized Excel file during the search. That justified Group-A reopening. No equivalent independent material was shown for Groups B or C; Group D involved direct searches requiring section 153A.

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## 03 JUDICIAL DECISION

In paragraph 77, the Gujarat High Court: (1) dismissed the 11 writ petitions in Group A (SCA Nos. 4890, 5350, 5855, 5858, 5861, 5864, 5901, 26206, 216, 17675 & 5422 of 2022); and (2) allowed the 12 writ petitions in Groups B, C, and D (SCA Nos. 3563 & 3564 of 2022; 18983, 18985, 18986 & 18987 of 2019; 16341 & 16723 of 2025; and 17933, 17935, 17938 & 17939 of 2018), quashing the impugned reopening action while reserving liberty to the Revenue to resort to section 147/148 if conditions in paragraph 76 are met. Group-A dismissal was expressly not to prejudice the petitioners in reassessment, which must proceed according to law.

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## 04 OUTCOME / IN WHOSE FAVOUR

Mixed: 11 Group-A petitions dismissed without prejudice in reassessment; 12 Groups B, C and D petitions allowed, reopening quashed with conditional liberty under sections 147/148. No order as to costs.

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## 05 EXPERT COMMENTS

AKHB EXPERT COMMENTS — editorial analysis, distinct from the Court's findings.

Trace what was newly learned — Group A did not lose merely because information was shared without a satisfaction note. The decisive development was later identification of purchasers and cash transactions through ITSC admissions and reconciliation. Compare the seized file with the later information: a transmission label alone cannot establish an independent source.

Satisfaction cannot be avoided by choosing another route — Groups B and C lacked both satisfaction notes and independent material. Their result prevents using section 148 to cure a missing section 153C prerequisite. Group D separately concerns persons actually searched, requiring section 153A. The quoted Super Malls passage also permits one satisfaction note where the AO is common; two separate documents are not universally required.

Neither side received a merits determination — Group-A dismissal permits lawful reassessment, not automatic proof of every cash addition. The successful petitions carry conditional liberty, not an unconditional fresh-notice authorisation overriding limitation or other requirements. Preserve each docket's result and the pre-2021 statutory setting before applying this common judgment.

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## SOURCE & VERIFICATION

Original judgment PDF (20260107_GJHC240167092022.pdf)

Reviewed from the complete 44-page official High Court judgment PDF (20260107_GJHC240167092022.pdf, SHA-256: f0271e2779975f8603ad43a0d071d5c7fdc342ed2d66851ee1698e3e699670fd).

All 44 original pages read and visually inspected; all five panels audited.

Open cited source rendition

Primary source verified page-by-page (44 physical pages, 269,737 bytes, SHA-256: f0271e2779975f8603ad43a0d071d5c7fdc342ed2d66851ee1698e3e699670fd). Cloud Google Drive File ID: 11NzmNIfv2ReqSvKeMT1QXj8_k1iiIn_P (https://drive.google.com/file/d/11NzmNIfv2ReqSvKeMT1QXj8_k1iiIn_P/view).

## STATUTORY SCOPE

Pre-Finance Act, 2021 search framework. Listed assessment years concern Group D only; the judgment does not give a complete year-by-year schedule for all 23 petitions.

## LATER TREATMENT

Source checked 2026-10-21. Subsequent treatment has 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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