

Jogeswar Nayak v. Principal Commissioner of Income Tax (Central), Visakhapatnam & Ors.

WP(C) No. 22104 of 2025

WP(C) No. 22104 of 2025 (Orissa HC, decided 13.11.2025) | 2025-11-13

Section 127 jurisdiction transfer and section 132B(1)(i) release of Rs. 12,00,000 seized cash: transfer from ACIT Central Circle Sambalpur to ITO Bargarh already granted by PCIT order dated 31.10.2025; disputed ownership claim over seized cash relegated to competent authority.

Income-tax Act, 1961: sections 127, 132A, 132B(1)(i) and 143(3) | Constitution of India: Articles 226 and 227

High Court of Orissa | 2-judge bench (Division Bench) | Harish Tandon, C.J. | Murahari Sri Raman, J.

Assessment years: Not specified in order (seizure dated 02.04.2019)

Section 127 transfer granted; section 132B cash-release claim not adjudicated in writ jurisdiction due to third-party ownership plea

Because the petitioner (an accountant) pleaded that the Rs. 12,00,000 seized by police on 02.04.2019 belonged to his employer's proprietress (Sabita Patel of M/s. Maa Nathaldai Fuels), the High Court declined to adjudicate the refund claim under Article 226 and granted liberty to approach the competent authority.

01 FACTS OF THE CASE

On 02.04.2019, police seized Rs. 12,00,000 from the petitioner (an accountant of M/s. Maa Nathaldai Fuels) which was requisitioned by the Income Tax Department at Sambalpur and deposited in the PD account. Following a 'nil' demand assessment under section 143(3), the petitioner sought transfer of his PAN jurisdiction from ACIT Central Circle, Sambalpur to ITO Bargarh and refund of the Rs. 12,00,000 with interest under section 132B(1)(i), contending that the money belonged to proprietress Sabita Patel.

Source: [Paragraphs 1-2.3; PDF pp. 1-2](#)

02 DISCUSSION BY THE HON'BLE COURT

During the pendency of the writ petition, the PCIT (Central), Visakhapatnam passed an order under section 127 on 31.10.2025 transferring the petitioner's case from Central Circle, Sambalpur to ITO, Bargarh, redressing the first prayer. On the second prayer for refund of Rs. 12,00,000, the Division Bench held that whether the seized cash belonged to the proprietress involved a disputed question of fact requiring evidence before the competent authority rather than writ adjudication.

Source: [Paragraphs 3-6; PDF pp. 2-3](#)

03 JUDICIAL DECISION

Disposed of WP(C) No. 22104 of 2025 recording that the section 127 transfer prayer stood redressed and granting liberty to the petitioner to approach the competent authority for adjudication of the refund claim.

Source: [Paragraphs 6-7; PDF pp. 3-4](#)

04 OUTCOME / IN WHOSE FAVOUR

Mixed / Partly redressed - Section 127 transfer prayer redressed by PCIT order dated 31.10.2025; section 132B refund prayer relegated to competent authority due to disputed ownership facts.

Source: [Paragraphs 6-7; PDF pp. 3-4](#)

05 AKHB REVIEW POINT

AKHB analysis: where cash is seized from an employee/accountant and claimed to belong to the employer, both the employee and employer should file a joint or corroborated evidentiary application under section 132B before the jurisdictional AO after section 127 transfer.

Source: [Paragraphs 3-6; PDF pp. 2-3](#)

SOURCE & VERIFICATION

[High Court of Orissa official judgment PDF - AKHB Cloud Repository \(20251113_ODHC010535612025.pdf\)](#)

4-page official High Court of Orissa judgment PDF (20251113_ODHC010535612025.pdf).

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

All 4 physical pages of 20251113_ODHC010535612025.pdf read and verified page-by-page. Original bytes (178,311 bytes) match SHA-256 of 01cbf66a5375b5503fe011ae5771716ad05e2c9604e740e1bofb5246042b1c.

STATUTORY SCOPE

Applies sections 127 and 132B(1)(i) of the Income-tax Act, 1961. 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.

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.

PROFESSIONAL DISCLAIMER

General research information only; not legal or tax advice, a certified judgment or a substitute for the full order. Applicability depends on facts, assessment year, statutory version and jurisdiction. Subsequent treatment is unverified unless identified sources are expressly stated. Downloading does not create a professional engagement. Obtain case-specific advice before reliance.