Atam Valves P. Limited v. Additional Commissioner of Income Tax, Range II, Jalandhar and others

CWP 6037/2006

CWP 6037/2006 | 2006-10-09

Same-city assessment transfer upheld

Income-tax Act, 1961: 127, 131, 133A, 143(2) | Constitution of India: Article226

High Court of Punjab and Haryana | Division Bench | Adarsh Kumar Goel | Rajesh Bindal

Assessment years:

01 FACTS OF THE CASE

Atam Valves challenged the 2 November 2005 assignment of its case to ITO-II(3), Jalandhar, after a 27 September 2005 survey and impounding of records. The department explained that the ACIT faced heavy time-barring work and the receiving ITO had conducted the survey and knew the stock and loose-paper facts. The petitioner also narrated objections to notices and scrutiny.

Source: Paras1–3, PDF p.1

02 DISCUSSION BY THE HON'BLE COURT

The Court held that section127 did not require a hearing for transfer within the same city. The competent Additional Commissioner had given reasons, and the stated workload and familiarity considerations were not illegal, arbitrary or mala fide so as to justify Article226 interference.

Source: Paras4–5, PDF p.2

03 JUDICIAL DECISION

The writ petition was dismissed. The challenged within-city assignment remained undisturbed.

Source: Paras5–6, PDF p.2

04 OUTCOME / IN WHOSE FAVOUR

Final Revenue-favourable outcome on the transfer challenge, not a decision on any resulting assessment's tax liability. No assessment year or assessed amount is stated.

Source: Complete judgment, PDF pp.1–2

05 EXPERT COMMENTS

The same-city premise does the hearing work — The Court's hearing conclusion is expressly tied to transfer within Jalandhar under section127. It should not be generalised to transfers between different cities. The judgment separately records competent authority and given reasons, so absence of a hearing is not presented as a substitute for those requirements.

Evaluate the actual administrative reasons — Heavy time-barring workload and the receiving officer's survey familiarity were the department's concrete explanations. The Court found no illegality, arbitrariness or mala fides in those reasons. A challenge in another case would need to address its own transfer record rather than assume that participation in a survey by itself invalidates an assignment.

Separate background objections from adjudicated relief — The narrative mentions section131 notices, document-copy requests and scrutiny objections, but the operative reasoning addresses the transfer order. This judgment cannot be used as a decision validating every later assessment step or determining the admissibility of impounded material.

Source: Editorial analysis; source references in the structured comments

SOURCE & VERIFICATION

20061009_PHHC010638312006.pdf

Complete source PDF reviewed: 2 physical pages.

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 and disposition are recorded only to the extent stated in this source order.

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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