



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.154 of 2026

Sri Susil Nath

....

Petitioner

Mr. Rudra Prasad Kar, Senior Advocate
assisted by Mr. Asit Kumar Dash, Advocate
-versus-

***Income Tax Officer, National
Faceless Centre, New Delhi and
another***

....

Opposite Parties

Mr. Avinash Kedia, Junior Standing Counsel
(for Income Tax Department)

CORAM:
THE HON'BLE THE CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER
02.02.2026

Order No.

01. ***1.*** Assessment under Section 143(3) read with Section 144-B of the Income Tax Act, 1961 (for short, "I.T. Act") pertaining to Assessment Year 2024-25 framed *vide* order dated 01.12.2025 of the Assessing Officer, the Assessment Unit, Income Tax Department is the subject-matter of challenge in the instant writ petition.
- 2.*** It is submitted by Mr. Rudra Prasad Kar, learned Senior Advocate assisted by Mr. Asit Kumar Dash, learned Advocate for the petitioner that by virtue of the Computer Assisted Scrutiny Selection (CASS) indicating the reasons that there was purchase of high-value motor vehicles, a proceeding under Section 143 of the I.T. Act has been initiated by issue of notice/intimations on different dates.



- 2.1. The petitioner, having suffered ill-health due to neurological issues which restricted his movement, was advised rest from 01.07.2025 to 03.12.2025, as such he could not participate in the proceeding. Therefore, the petitioner has come up before this Court beseeching indulgence of this Court showing mercy by granting one opportunity to present his case before the Assessing Authority.
3. Mr. Avinash Kedia, learned Junior Standing Counsel for Income Tax Department opposing such a plea to *set aside* the *ex parte* adjudication order submitted that since the petitioner has remedy provided under the statute, this writ petition is not maintainable.
4. Heard Mr. Rudra Prasad Kar, learned Senior Advocate assisted by Mr. Asit Kumar Dash, learned counsel for the petitioner and Mr. Avinash Kedia, learned Junior Standing Counsel for the Income Tax Department.
5. Perused the record.
6. Undeniably, due to neurological issues of the petitioner, the physician at Sub-Divisional Hospital advised him rest from 01.07.2025 to 03.12.2025 and his movement was restricted. The petitioner furnished a certificate issued by a physician of Sub-Divisional Hospital, Talcher. It is also not in dispute that the petitioner was issued notice under Section 143 of the I.T. Act on 23.06.2025 and notice under Section 142 of the I.T. Act, 1961 on 14.07.2025 and 22.08.2025. An intimation was also issued on 03.09.2025. Against a show cause notice dated 10.09.2025, an



application for adjournment was sought for which was granted. However, paragraph-1 of the show cause notice dated 19.11.2025 indicated that information being sought for from four sellers, reply was received from one of such sellers in connection with the notice dated 23.09.2025 issued under Section 133(6) of the of the I.T. Act. However, on 01.12.2025, an *ex parte* order was passed under Section 143(3) read with Section 144-B of the I.T. Act which was served along with notice of demand under Section 156 of the I.T. Act.

7. During course of hearing, Mr. Rudra Prasad Kar, learned Senior Advocate sought to demonstrate from copies of tax invoices supported by vehicle particulars issued by the Government of Odisha (Talcher R.T.O.) *vide* Annexure-6 series that the vehicles were procured on availing loan facility and the same are hypothecated to the concerned Bank. He, therefore, argued that it is fallacious for the Income Tax Department to say that the high-value vehicles were purchased on account of undisclosed source of investment.
8. This Court feels such disputed questions to be left for adjudication by the authority concerned. As it appears from the record that the invoices along with vehicle particulars issued by the Government Authority could not be placed before the said Authority in view of the circumstances beyond the control of the petitioner. The certificate issued by the physician, namely, Sub-Divisional Hospital, Talcher could not be impeached by Mr. Avinash



Kedia, learned Junior Standing Counsel. Since *ex parte* Assessment Order was passed in absence of relevant documents, as the same could not be produced due to adverse circumstances that are faced by the petitioner, this Court feels it expedient that he should be granted one opportunity to present his case before the authority concerned to justify his claim that the high-value vehicles were procured from disclosed source.

9. In view of the aforesaid discussion(s), this Court appreciating the documents enclosed to the writ petition, is inclined to set aside the Assessment Order dated 01.12.2025 pertaining to Assessment Year 2024-25 and remit the matter to the Assessing Officer to extend one opportunity to the petitioner to establish his case to clarify the doubts entertained by the Assessing Officer. Hence, without expressing any opinion touching the merits of the case, this Court by setting aside the Assessment Order dated 01.12.2025 *vide* Annexure-5, remits the matter to the Assessing Officer, Assessment Unit, Income Tax Department for fresh adjudication on merits by taking into consideration the documents to be furnished by the petitioner in connection with notice issued under Section 143 of the I.T. Act pertaining to Assessment Year 2024-25.

- 9.1. Needless to observe that the Assessing Officer shall afford an opportunity of personal hearing to the petitioner. For the purpose of availing the opportunity, the petitioner shall appear before the Assessing Officer on or before 16.02.2026 along with copy of this order and the



documents to corroborate his claim opposing the allegation made by the Department. On such event, the Assessing Officer may proceed with the assessment forthwith or reschedule the date of hearing. It is desirable that no unnecessary adjournment shall be sought for and/or be granted. The petitioner shall cooperate with the Department and the Assessing Authority after hearing the petitioner and taking into consideration the evidence, if any, adduced by the petitioner shall pass appropriate Assessment Order and communicate the same.

- 10.** With the aforesaid observations and direction, the writ petition along with the pending Interlocutory Application(s), if any, shall stand disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Bichi

Signature Not Verified

Digitally Signed
Signed by: BICHITRANANDA SAHOO
Designation: Secretary
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 05-Feb-2026 14:52:44

