IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 32056 of 2026
and W.M.P.Nos.35253 & 35254 of 2026

Ramegowdu Mahendra
Proprietor Sri Lakshmi Granite Tiles,
Kundumaranapalli Post and Village,
Denikanikotta Taluk,
Hosur 635 109

..Petitioner(s)

Vs

Deputy Commissioner of Income Tax,
Circle 1(1)Salem,
Income Tax Department

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the notice dated 27.05.2026 bearing no. ITBA/AST/S/148_1/2026-27/1089233639(1) issued by the Respondent under Section 148 of the Income Tax Act, 1961 for the assessment year 2023-24, quash the same.

For Petitioner(s): M/s.Adithya Reddy

For Respondent(s): Ms.M.Sheela, Sr. SC
Mr.H.Siddarth, Jr. SC

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ORDER

Notice dated 27.05.2026 under Section 148 of the Income Tax Act, 1961 (the I-T Act) is challenged in this writ petition.

2. Learned counsel for the petitioner submits that the impugned notice was issued on the basis of an adjudication order under applicable GST enactments. He also submits that an appeal was filed against adjudication order dated 03.02.2025 and that a deemed stay of the adjudication is in operation. Referring to sub-section (3) of Section 148, learned counsel contends that re-assessment is permissible on the basis of an order of a tribunal or Court, but not on the basis of an order of the proper officer under applicable GST enactments. He also contends that permitting the Income Tax authorities to proceed with re-assessment will result in conflicting orders.

3. Ms.M.Sheela, learned senior standing counsel, accepts notice for the respondent. Referring to the order under Section 148A(3), she submits that contention raised by the petitioner in this writ petition was dealt with in said order. She also submits that the Income Tax authorities are required to undertake re-assessment independently and not on the basis of the adjudication by the GST authorities.

4. Under Section 148A(1), the pre-requisite for initiation of re-assessment proceedings is information suggesting that income chargeable to tax has escaped assessment in the relevant assessment year. The expression "information" is defined exhaustively in sub-section (3) of Section 148. Such exhaustive definition embraces information received in accordance with the risk management strategy formulated by the CDBT from time to time. There is nothing on record with regard to the risk management strategy of the CBDT and whether it includes information in the form of an adjudication order under applicable GST legislation.

5. The matter is at a preliminary stage, where a notice under Section 148 has been issued. Any re-assessment has to be carried out in compliance with applicable provisions of the I-T Act and the Income Tax authorities cannot ride piggyback on the adjudication under GST law. In other words, even if the appeal filed by the petitioner before the appellate authority were to be rejected, such rejection cannot be the sole basis for conclusions in course of re-assessment proceedings. The converse is equally true. Therefore, I am not inclined to interfere with the impugned notice at this juncture.

6. Hence, this writ petition is disposed of by declining to grant the relief claimed. It is, however, open to the petitioner to challenge the re-assessment

order in accordance with law. Consequently, connected writ miscellaneous petitions are closed. There shall be no order as to costs.

20-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RNA

To

Deputy Commissioner of Income Tax,
Circle 1(1)Salem,
Income Tax Department

SENTHILKUMAR RAMAMOORTHY, J.

RNA

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