



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 8547 OF 2026 (T-IT)

BETWEEN:

SRI GHATI SUBRAMANYA KSHETRA
DEVELOPMENT AUTHORITY,
DODDABALAPUR TALUK,
BANGLORE RURAL DISTRICT 561203.

...PETITIONER

(BY SRI. POORNIMA H. S., ADVOCATE)

AND:

1. THE INCOME TAX OFFICER,
WARD-2(1)(3), BLR,
BMTc BUILDING, 80 FEET ROAD,
6TH BLOCK, NEAR KHB GAMES VILLAGE,
KORAMANGALA, BENGALURU,
KARNATAKA - 560095.

2. THE COMMISSIONER OF INCOME TAX (APPEALS),
NATIONAL FACELESS APPEALS CENTRE (NFAC)
ROOM NO. 245/A, NORTH BLOCK,
NEW DELHI-110001.

...RESPONDENTS

(BY SRI. DILIP M., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH AND SET
ASIDE THE ASSESSMENT ORDER PASSED FOR THE
ASSESSMENT YEAR 2020-21 BEARING NO.





ITBA/AST/S/147/2024-25/1073823646(1) DATED 28.02.2025
IS AT ANNEXURE-E AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The petitioner has sought for setting aside of the assessment order passed for the assessment year 2020-21 at Annexure-E and the notice of attachment at Annexures-H and K. It is submitted that an appeal was filed against the assessment order which is disposed of on the ground of non-participation, without any adjudication on merits.

2. Learned counsel for the petitioner submits with all fairness that the application under Section 12A of the Income Tax Act, 1961 (for short 'the Act') is to be filed and otherwise the petitioner would have to make out a case before the assessing officer.

3. It is noticed that the assessment order passed is an ex-parte order. The authority had issued a notice to explain as to why notice under Section 148 of the Act



should not be issued and despite notices and reminders, it is submitted that the assessee though submitted written submissions insofar as notice under Section 148A(b), subsequently has failed to participate in the assessment proceedings by filing return.

4. Perusal of the order would indicate that the department has taken note of the cash transactions and non-filing of return, and proceeded for adjudication. The authority has also proposed variation and has adjudicated the issue while observing that the assessee has no valid explanation or evidence to substantiate the source of cash deposit.

5. Learned counsel for the assessee submits that the matter may be remitted to the stage of assessment proceedings where the petitioner may be afforded an opportunity.

6. Sri. Dilip M., learned counsel for the revenue submits that in the absence of Section 12A, petitioner



would have to make out their stand regarding the cash transactions including deposits before the assessing officer in an appropriate manner.

7. Learned counsel for revenue upon instructions submits that 20% of the tax has already been paid. Accordingly, there is no occasion for imposing further condition and the matter may be remitted.

8. Taking note that the assessment order passed is an ex-parte assessment order and noticing that the appeal stated to have been rejected without adjudication, it would be appropriate to remit the matter to the stage of notice under Section 148 and the petitioner may file return in response to the same.

9. Accordingly, the order at Annexure-E is set aside and matter is remitted in light of the observations made above. In light of the order of assessment being set aside, the notices of attachment at Annexure-H and K are set aside. All contentions are kept open.



Accordingly, petition is ***disposed of***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR