IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5703 OF 2022

Hero Products India Pvt Ltd .. Petitioner

Versus

National Faceless Assessment Centre & Ors. .. Respondents

Mr. Devendra Jain i/b Radha Halbe, Advocates for the Petitioner.

Mr. Akhileshwar Sharma, Advocate for the Revenue/ Respondent.

CORAM : B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE : JULY 13, 2026

P. C.

1. Rule. Respondents waive service. With the consent of parties, Rule made returnable forthwith and heard finally.

2. The above Writ Petition is filed seeking to quash and set aside the impugned Assessment Order dated 21st March 2022 passed under Section 147 read with Sections 144 and 144B of the Income Tax

Act, 1961 (**the IT Act**) and the impugned Notice of Demand dated 21st March 2022 issued under Section 156 of the IT Act.

3. The challenge in the above Writ Petition is laid on two grounds :-

(a) The notice under Section 143(2) of the IT Act was not validly issued and served upon the Petitioner in accordance with Section 282 of the IT Act read with Rule 127 of the Income Tax Rules, 1962.

(b) The impugned Assessment Order came to be passed in breach of principles of natural justice without granting the Petitioner a fair and effective opportunity of hearing.

4. To put it in a nutshell, it is the case of the Petitioner that the Petitioner's registered primary email address on the income tax portal was **dhanashree.sawant@apac.hero.ca** and its registered secondary email address was **chandrasekhar.ella@apac.hero.ca.** The secondary email address, namely **chandrasekhar.ella@apac.hero.ca** , was also reflected in the database of the Ministry of Corporate Affairs. It is further the case of the Petitioner that while filing its return of income in response to notice under Section 148 on 20th October 2021,

the Petitioner had specifically mentioned its email addresses as **dhanashree.sawant@apac.hero.ca** .

5. It is the case of the Petitioner that despite the Petitioner's primary and secondary email IDs being available with the Respondents, all subsequent notices, including notice under Section 143(2) of the IT Act, were sent to **tarini.03@gmail.com** . According to the Petitioner, though the said email ID was reflected in the Return of Income for Assessment Year 2015-16, the said email ID does not belong to the Petitioner and appears to have been mentioned by the earlier tax consultants handling the compliance aspects of the Petitioner Company. The Petitioner further states that in the Return of Income for A.Y.2016-17, the email ID **rushabhapatel30@gmail.com** was mentioned, which pertained to the Chartered Accountant appointed as the Auditor and tax consultant of the Petitioner, who had ceased to represent the Petitioner during the assessment proceedings.

6. According to the Petitioner, though certain communications appear to have been received on **tarini.03@gmail.com** and **rushabhapatel30@gmail.com**, the crucial statutory notices, including the Show Cause Notice and the notice proposing additions, were not effectively served on the Petitioner's registered email IDs. According to the Petitioner, it was therefore denied a fair and effective opportunity to place its explanation and supporting documents on record before the passing of the impugned Assessment Order. The Petitioner therefore contends that the impugned Assessment Order is bad in law and liable to be quashed and set aside on the ground of breach of principles of natural justice.

7. On the other hand, it is the case of the Respondents that notices were uploaded on the e-filing portal and were also sent on the email address of the Petitioner. Mr. Sharma, the learned counsel for the Respondent relying upon the affidavit filed by one Ajay Kumar Singh, Dy. Commissioner of Income Tax Circle-1 Kalyan, who is Respondent No.2, submits that the Petitioner has responded to the notice issued under Section 148 of the IT Act by seeking the reasons of reopening. The said notice, in addition to being uploaded on the ITBA portal was also sent to the mail ID **tarini.03@gmail.com** and **rushabhapatel30@gmail.com**. Thereafter, sufficient notices/ opportunities were given to the Petitioner. In the facts of the present case, no fault could be found on the part of the Respondent. The Petitioner could have intimated the National Faceless Assessment

Centre about change of their mail on account of change of their CA. In the facts of the present case, no deficiency could be found with the assessment proceedings and therefore, the Writ Petition be dismissed, was the submission.

8. We have heard learned counsel for the parties and also perused the papers and proceedings in the above Writ Petition.

9. It is not in dispute that the Petitioner had furnished its email address being **dhanashree.sawant@apac.hero.ca** in the return filed in response to notice under Section 148. The secondary email address, namely **chandrasekhar.ella@apac.hero.ca**, was also registered on the income tax portal and was also reflected in the database of the Ministry of Corporate Affairs. It is also not in dispute that none of the notices were sent on either of these two email addresses registered on the portal.

10. Though elaborate submissions were made by both sides on the issue of validity of service of notices under Section 282 of the IT Act read with Rule 127 of the Income Tax Rules, 1962, we do not deem it necessary to conclusively adjudicate the said issue in the facts of the present case. Having heard the parties and upon perusal of the material on record, we find that the assessment proceedings culminating into the impugned Assessment Order, appears to have been completed without granting the Petitioner a fair and effective opportunity to respond to the proposed additions. We say so because it appears that disputes had arisen between the Petitioner and its Auditor, who subsequently resigned on 21st January 2022. In view thereof, further notices issued by the Respondents on the email ID of the said Auditor do not appear to have been effectively communicated to the Petitioner. In view of these peculiar facts, we are satisfied that Petitioner did not get an adequate opportunity to place on record its explanation and supporting documents before passing of the impugned Assessment Order.

11. We are, therefore, of the view that in order to ensure that justice is done, the Assessing Officer should give a fresh hearing to the Petitioner on the Show Cause Notice issued, provide an opportunity to the Petitioner to submit its response, and thereafter pass a fresh Assessment Order.

12. We clarify that we have not examined the rival contentions on merits, including the contentions relating to the validity of service under Rule 127, and all such contentions are expressly kept open.

13. Hence, looking at the totality of the facts of the case, we pass the following order :-

(a) The impugned Assessment Order dated 21st March 2022 (Exhibit-E1) and the impugned Notice of Demand dated 21st March 2022 issued under Section 156 (Exhibit-E2) are hereby quashed and set aside.

(b) The assessment proceedings are restored to the file of the Assessing Officer.

(c) The Assessing Officer shall provide adequate opportunity to the Petitioner to file replies, documents and submissions in support of its case.

(d) Once the Petitioner files its response, the Petitioner shall be given a personal hearing through video conferencing on a date and time fixed by the Faceless Assessing Officer. Once this exercise is completed, the Faceless Assessing Officer shall proceed to pass a fresh Assessment Order, which shall be a speaking order dealing with all the contentions raised by the Petitioner.

(e) This entire exercise (of granting hearing and thereafter passing the Assessment Order) shall be completed within a period of four months from the date of uploading of this order.

14. Rule is made absolute in the aforesaid terms, and the Writ Petition is also disposed of in terms thereof. However, there shall be no order as to costs.

15. The Petitioner shall forthwith submit an authenticated copy of this order to Respondent No.2, with a request to enable it to upload its submissions in response to the various notices issued so far on the ITBA Portal.

16. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.] **[B. P. COLABAWALLA, J.]**

Utkarsh