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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 9132/2022**
APS HYDRO PRIVATE LIMITED

.....Petitioner

Through: Mr. Prabhat Kumar, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Indruj Singh Rai, SSC with Mr. Sanjeev Menon, Mr. Rahul Singh, JSCs.
Mr. Vijay Joshi, CGSC with Mr. Shubham Chaturvedi, Advocate.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE VINOD KUMAR

ORDER
01.04.2026

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1. By way of the present writ petition, the petitioner has challenged the notice dated 16.02.2022 and corresponding order/communication dated 12.05.2022 issued by the Assistant Commissioner of Income Tax holding the petitioner to be an assessee in default under Section 220(1) of the Income Tax Act, 1961 (*hereinafter referred to as 'the Act of 1961'*).
2. The petitioner has approached this Court with a specific plea that none of the orders passed under Section 154, Section 143(1)(a) and Section 271(1)(c) of the Act of 1961 were ever served upon it and the petitioner came to know about the pendency of the demand only when it received the



impugned notice dated 16.02.2022.

3. Learned counsel for the petitioner argued that had any demand been raised by the respondent-Department, as indicated in the table given in the notice dated 16.02.2022, the petitioner-assessee would certainly have taken remedial measures against such huge demands. And even if it is presumed that it had intentionally not taken such remedies, the Department would not have slept over the matter for years together, inasmuch as the first demand shown in the impugned notice which relates to Assessment Year 2011-12 was raised on 09.02.2013.

4. He pointed out that though the respondents have filed a reply and taken a plea that these intimations or orders were sent to the petitioner on its e-mail but no date of the mail has been mentioned. He thus, argued that it is difficult to accept the contention of the respondent that the same were ever served upon the petitioner.

5. Mr. Sanjeev Menon, learned Junior Standing Counsel for the Department, on the other hand submitted that the assertion of the petitioner is incorrect inasmuch as the Department has also filed a counter affidavit asserting that the copies of the intimations were sent to the petitioner-assessee/Assessment Officer.

6. Before proceeding with the matter, it will be apt to reproduce the particulars of various orders and demands given in the impugned notice dated 16.02.2022:

S. No.	Asst. Year	Amount(Rs.)	Nature of Demand	Section	Date of Creation of Demand
1.	2013-14	22,26,781	IT	154	09/11/2020



2.	2019-20	28,07,120	IT	154	07/10/2020
3.	2018-19	2,10,96,730	IT	143(1)(a)	16/12/2019
4.	2017-18	2,22,24,000	IT	143(1)(a)	16/10/2019
5.	2016-17	11,099	IT	271 (1)(C)	27/06/2019
6.	2016-17	20,000	IT	271 (1)(b)	21/06/2019
7.	2016-17	1,41,61,067	IT	154	14/05/2019
8.	2016-17	10,000	IT	271 (1)(b)	27/04/2019
9.	2015-16	1,07,34,372	IT	143(3)	15/12/2017
10.	2014-15	38,59,400	IT	143(3)	28/11/2016
11.	2012-13	2,74,330	IT	143(1)(a)	28/06/2013
12.	2011-12	1,03,180	IT	143(1)(a)	09/02/2013

7. A simple look at the aforesaid table reveals that that the demand of various years running into lakhs of Rupees has been shown to be due against the petitioner and the intimation as mentioned therein ranges from 09.02.2013 to 09.11.2020.

8. Even if for the sake of arguments, the Department's plea is taken to be correct that the intimation and orders under Section 154 were served upon the petitioner-assessee by way of e-mail, we are of the view that it is against natural conduct that an assessee, having been visited with a huge tax liability of lakhs of Rupees (as indicated in the table above), would not take any remedy.

9. In any case we would like to observe that it is difficult nay impossible to believe that despite having a huge pending demand against an assessee since 2013 the department will keep quiet and will get up from its slumber only after 9 years.

10. The impugned notice dated 16.06.2026 is hereby quashed and set aside for the reasons aforesaid and in the interest of justice.



11. Petitioner shall be free to move a representation before the Jurisdictional Assessing Officer seeking copies of the relevant documents/information for each year, which the Jurisdictional Assessing Officer shall supply within a period of 15 days of receiving such request.

12. We allow ninety days' time (from today) to the petitioner-assessee to file any objection against any demand indicated in the notice dated 16.06.2022 and/or seek any remedy against orders/intimations mentioned and supplied to the petitioner alongwith the counter affidavit.

13. In case the petitioner takes any statutory remedy including rectification application or appeal, on or before 30.06.2026, the same shall be considered on their own merit without raising any ground of limitation, as the period of limitation stands extended by the order instant.

14. So far as the liability of the petitioner to pay interest under Section 220 of the Act of 1961 is concerned, the petitioner-assessee shall be free to make a submission in this regard, which the Assessing Officer shall consider in accordance with law and record a finding in relation to the petitioner's default in accordance with law.

15. With these observations, the writ petition stands disposed of.

16. Needless to observe that in case, the respondent is of the view that a fresh proceeding under Section 220 of the Act of 1961 is required to be undertaken, they shall be free to do so, in accordance with law.

DINESH MEHTA, J.

VINOD KUMAR, J.

APRIL 1, 2026/nk

