

1. **Notice of reassessment u/s 148 issued beyond four years is valid, where facts unearthened upon survey survey and addition income disclosed was not available the time of original assessment** - There is also no dispute for the assessee as to fact that assessment order was passed by another officer and not by the officer who conducted the survey and further when, there is no reference or discussion as to the course and events in relation to the survey or as to the disclosure made by the managing partner as to the offer of additional investment to an extent of Rs. 1.5 crores. Therefore it is not correct express anything on merits at this stage, lest it should adversely affect either of the parties concerned. Thus, these are matters, which require to be elicited and established in the course of proceedings, pursuant to notice issued under section 148. Admittedly, the proceedings are only at the 'notice stage' and the assessee has been let known the reasons for issuing notice under section 148. It is for the petitioner to submit objections, if any and it will be for the concerned respondent to take the proceedings to a logical conclusion, by passing appropriate orders in accordance with law, after considering the objections. **Alapatt Jewells v. Assistant Commissioner of Income-tax [2013] 257 CTR 352 (Kerala).**
2. **The reasons, need not be communicated to the person against whom the warrant is issued at that stage.** Rule 112(2) of the Income-tax Rules which specifically prescribes the necessity of recording of reasons before issuing a warrant of authorization had been repealed on and from 1-10-1975, the reasons for the belief found should be recorded. The reasons, however, need not be communicated to the person against whom the warrant is issued at that stage. Such reasons, however, may have to be placed before the Court in the event of a challenge to formation of the belief of the authorized official in which event the court (exercising jurisdiction under article 226) would be entitled to examine the relevance of the reasons for the formation of the belief though not the sufficiency or adequacy thereof. **At the time of Director General of Income-tax (Investigation) v. Spacewood Furnishers (P.) Ltd [2015] 374 ITR 595 (SC).**