

IN THE INCOME TAX APPELLATE TRIBUNAL  
NAGPUR “SMC” BENCH :NAGPUR [VIRTUAL HEARING]  
BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.417/NAG./2022  
Assessment Year 2012-2013

Harsharankour Gurmeetsingh Theti, 270, C.A. Road, Behind HDFC Bank, Lakadganj, NAGPUR. PIN – 440 008 Maharashtra PAN AAFPT2577C (Appellant)	vs.	The Income Tax Officer, Ward – 4(3), Aaykar Bhawan, Near Balaji Mandir, Seminary Hills, NAGPUR – 440 006. Maharashtra. (Respondent)
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For Assessee :	Shri Sanjay Takkar,
For Revenue :	Shri Abhay Y. Marathe, Sr. DR

Date of Hearing :	21.03.2024
Date of Pronouncement :	09.05.2024

**ORDER**

This assessee’s appeal for assessment year 2012-13, arises against the National Faceless Appeal Centre [in short the “NFAC”] Delhi’s Din and Order No. ITBA/NFAC/S/250/2022-23/1046434839(1), dated 21.10.2022, involving proceedings u/s.143(3) r.w.s. 147 of the Income Tax Act, 1961 (in short “the Act”).

Heard both the parties. Case file perused.

2. It emerges during the course of hearing that the first and foremost issue herein is that of validity of the impugned sec.147 proceedings itself since initiated on the basis of incriminating material/sale purchase agreement found/seized from the residential premises of the searched

assessee late Shri Vijay Govindrao Kashikar on 21.07.2011. It is made clear that the legislature has already provided assessment of such third parties going by the relevant seized material; in sec.153C of the Act which is a special provision and complete Code in itself in light of the tribunal's Third Member's decision in ITA No. 50/JAB/2018 Tarun Devon (P) Ltd. Vs. DCIT, Jabalpur dated 09.10.2023.

3. Learned DR could hardly rebut of these clinching facts as well as intervening legal developments. Faced with this situation, I hereby quash the impugned sec.148/147 proceedings in very terms. Ordered accordingly.

All other pleadings on merits stand rendered academic.

4. This assessee's appeal is allowed in above terms.

Order pronounced in the open Court on 09.05.2024.

Sd/-  
[SATBEER SINGH GODARA]  
JUDICIAL MEMBER

Pune, Dated 09<sup>th</sup> May, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Nagpur concerned
4.	D.R. ITAT, "SMC" Bench, Nagpur.
5.	Guard File.

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches, Pune.