

IN THE INCOME TAX APPELLATE TRIBUNAL

PUNE "SMC" BENCH : PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.393/PUN./2024 [E-APPEAL]

Assessment Year 2012-2013

Shri Dilip Kanhaiyalal Bhansali, Shriram Wadi, At Post-Ghoti, Dist. Nashik.PIN 422 402 Maharashtra. PAN ABTPN2024P	vs.	The Income Tax Officer, Ward-1(1), Kendriya Rajaswa Bhavan, Gadkari Chowk, Old Agra Road, NASHIK-422 002. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri Pramod S Shingte
For Revenue :	Shri Manish Mehta

Date of Hearing :	22.03.2024
Date of Pronouncement :	14.05.2024

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/250/2023-24/1060080707(1), dated 24.01.2024, in proceedings u/s.143(3) r.w.s.147 of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties at length. Case file perused.

2. It emerges that the first and foremost issue herein is that of validity of the impugned reopening/reassessment itself wherein the learned Assessing Officer had recorded his reasons to believe that the taxpayer's corresponding taxable income arising from sale of immovable property; had escaped

assessment. The Revenue could hardly dispute that the NFAC's lower appellate discussion in para 4.1 at page-4 has reproduced the said reopening reasons making it clear that the alleged income required "detailed verification as well as in-depth enquiry is needed for which the case is reopened...."

3. Faced with this situation, the undersigned is of the considered opinion in light of PCIT vs. Manzil Dinesh Kumar Shah, [2018] 406 ITR 326 (Guj.) and PCIT vs. Maheswari Devi [2023] 455 ITR 755 (Jharkhand) that such a course of action is not sustainable in sec.148/147 proceedings. I thus quash the impugned reopening/re-assessment for this precise reason alone.

All other issues on merits stand rendered academic.

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

Order pronounced in the open Court on 14.05.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 14th May, 2024

VBP/-
Copy to

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

//By Order//

//True Copy //

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