

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI BENCH "G", MUMBAI**

**BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER
AND
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER**

**ITA No.3684/M/2024
Assessment Year: 2011-12
&
ITA No.3683/M/2024
Assessment Year: 2013-14**

DCIT (Central) 1(1), 905, 9 th Floor, Pratishtha Bhavan, Mumbai - 400420 Maharashtra	Vs.	M/s. Gold Star Diamonds Pvt. Ltd., FE 4011, 4 th Floor, F Tower Bharat Diamond Borse, Bandra Kurla Complex, Mumbai- 400 051 Maharashtra PAN: AAACR4157Q
(Appellant)		(Respondent)

Present for:

Assessee by : Ms. Varsha A. Nanwani, C.A.
Revenue by : Smt. Sujatha P. Iyengar, Sr. A.R.

Date of Hearing : 05 . 09 .2024
Date of Pronouncement : 11 . 09 .2024

O R D E R

Per : Narender Kumar Choudhry, Judicial Member:

These appeals have been preferred by the Revenue Department against the orders even dated 19.04.2024 impugned herein, passed by the Ld. Commissioner of Income Tax (Appeals)-47, Mumbai (in short Ld. Commissioner) under section 250 of the Income Tax Act, 1961 (in short 'the Act') for the A.Y. 2011-12 & 2013-14.

2. In both the appeals under consideration the assessment orders even dated 26-03 -2018 for the A.Ys. 2011-12 & 2013-14 have been passed u/s 143(3) r.w.s. 263 of the Act in pursuance to the direction/order dated 26.03.2018 u/s 263 of the Act by the Ld. CIT-Mumbai. Against the aforesaid assessment orders the Assessee has preferred first appeals before the Ld. Commissioner. The Ld. Commissioner vide impugned orders even dated 19.04.2024 for the A.Ys. 2011-12 & 2013-14, allowed the appeals of the Assessee by taking into consideration the peculiar facts to the effect that the Hon'ble Tribunal vide a combined order dated 25.11.2022 for A.Y 2011-12 & 2013-14 in ITA No.2964 & 2965/M/2018 allowed the appeals of the Assessee and consequently set aside the orders dated 26-03-2018 passed by the Pr. CIT u/s 263 of the Act, on the basis of which the assessments under consideration have been framed.

3. Both the parties have not denied the aforesaid facts. Thus, considering the peculiar facts and circumstances in totality, as the foundation i.e. the Directions/order even dated 26.03.2018 passed by the Pr. CIT u/s 263 has been quashed, hence the impugned assessment orders also automatically collapsed and/or lost its existence and therefore the same have rightly been quashed being void-ab-initio by the Ld. Commissioner, hence the impugned orders require no interference. Consequently, the appeals filed by the Revenue Department are liable to be dismissed.

4. In the result, both the appeals under consideration stands dismissed.

Order pronounced in the open court on 11.09.2024.

**Sd/-
(RATNESH NANDAN SAHAY)
ACCOUNTANT MEMBER**

**Sd/-
(NARENDER KUMAR CHOUDHRY)
JUDICIAL MEMBER**

* Kishore, Sr. P.S.

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.