

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH “SMC”: NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No. 1470/DEL/2024
[Assessment Year: 2011-12]

JHM Developers Pvt. Ltd., Chatterjee International Chamber, JL Nehru Road, Kolkata, West Bengal-700071. PAN: AABCJ 8739 R	<u>Vs</u>	Income-tax Officer, Ward-13(3), New Delhi
APPELLANT		RESPONDENT
Assessee by	Shri Divesh Poddar, Adv.	
Department by	Shri Sanjay Kumar, Sr. DR	
Date of hearing	14.11.2024	
Date of pronouncement	21.11.2024	

ORDER

PER SATBEER SINGH GODARA, JM:

This assessee’s appeal for assessment year 2011-12 arises against National Faceless Appeal Centre (INFAC), Delhi’s DIN and order no. ITBA/NFAC/S/250/2023-24/1060991733(1), dated 15.02.2024 in case no. CIT(A), Delhi-5/10283/2018-19 in proceedings u/s 250 of the Income-tax Act, 1961, in short the “Act”.

Heard both the parties at length. Case file perused.

2. Coming to the assessee’s legal plea challenging validity of the impugned reopening itself culminating in corresponding additions from sale of shares of Rs. 26.95 lakhs and section 69C commission addition on estimation to the tune of Rs. 26,950/-, it emerges from a perusal of the Assessing Officer’s discussion at page 3

that he had set into motion section 148/147 in order to verify the corresponding transactions of Rs. 57.70 lakhs. This clinching fact has gone unrebutted from the Revenue's side.

3. Faced with this situation, I hereby quote PCIT v. Manzil Dinesh Kumar Shah (2018) 406 ITR 306 (Guj.) and PCIT v. Maheshwari Devi (2023) 454 ITR 755 (Jharkhand) to conclude that such a recourse to 148/147 proceedings for the purpose of verification only is not sustainable in law. The impugned reopening stands quashed in very terms.

All other pleadings on merits stand rendered academic.

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

Order pronounced in open court on 21.11.2024.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

MP

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI