

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“DB” BENCH, AGRA**

**BEFORE HON’BLE SHRI SATBEER SINGH GODARA, JM AND  
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**

**आयकरअपील सं. / ITA No. 420/Agr/2024**  
**(निर्धारणवर्ष / Assessment Year:2015-16)**

Smt. Rajani Sahu Karera, Near Kali Mai Mandir, Shivpuri Road Karera, Shivpuri (MP).	<b>बनाम/</b> Vs.	Income-tax Officer, Ashok Nagar, Gwalior.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. <b>EHPPS-3090-N</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थीकीओरसे/ <b>Appellant by</b>	:	Sh. Deependra Mohan, CA - Ld. AR
प्रत्यर्थीकीओरसे/ <b>Respondent by</b>	:	Sh. Shailender Shrivastava – Ld. Sr. DR

सुनवाईकीतारीख/ <b>Date of Hearing</b>	:	21-02-2025
घोषणाकीतारीख / <b>Date of Pronouncement</b>	:	22.04.2025

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by assessee for Assessment Year (AY) 2015-16 arises out of an order passed by learned Commissioner of Income Tax (Appeals), NFAC, Delhi [CIT(A)] on 21-05-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 147 r.w.s. 144 of the Act on 27-04-2023. In the assessment order, Ld. AO made addition of deemed income u/s 56(2)(vii)(b) for Rs.48.90 Lacs. The Ld. CIT(A) confirmed the same against which the assessee is in further appeal before us.

2. The Ld. AR, at the outset, raised a pertinent legal issue assailing legality of reassessment proceedings. It has been stated that this year is covered by the decision of Hon’ble Delhi High Court in the case of **IBIBO**

**Group Private Ltd. (WP(C) No.17639/2022 dated 13-12-2024)** which has been rendered by considering the decision of Hon'ble Supreme Court in the case of **UOI vs. Rajeev Bansal (167 Taxmann.com 70)**. In this decision it was held by Hon'ble Apex Court as under: -

"(e) The Finance Act, 2021 (2021) ((2021) 432 ITR (Stat) 52) substituted the fold regime for reassessment with a new regime. The first proviso to section 149 does not expressly bar the application of Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020, Section 3 of the Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 applies to the entire Income-tax Act, including sections 149 and 151 of the new regime. Once the first proviso to section 149(1)(b) is read with Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020, then all the notices issued between April 1, 2021 and June 30, 2021 pertaining to the assessment years 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018 will be within the period of limitation as explained in the tabulation below:

Assessment Year	Within 3 Years	Expiry of limitation read with TOLA for (2)	Within Six Years	Expiry of limitation read with TOLA for (4)
(1)	(2)	(3)	(4)	(5)
2013-14	31.03.2017	TOLA not applicable	31.03.2020	30.06.2021
2014-15	31.03.2018	TOLA not applicable	31.03.2021	30.06.2021
2015-16	31.03.2019	TOLA not applicable	31.03.2022	TOLA not applicable
2016-17	31.03.2020	TOLA not applicable	31.03.2023	TOLA not applicable
2017-18	31.03.2021	TOLA not applicable	31.03.2024	TOLA not applicable

(f) The Revenue concedes that for the assessment year 2015-2016, all notices issued on or after April 1, 2021 will have to be dropped as they will not fall for completion during the period prescribed under the Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020."

Considering the same, Hon'ble Court has allowed the writ petition. This position could not be controverted by revenue. We find that in the present case pertaining to AY 2015-16, an order u/s 148A(d) was passed on 18-07-2022. Finally, notice u/s 148 has been issued on 23-07-2022 which culminated into assessment order on 27-04-2023. As tabulated above, the period of expiry of limitation for AY 2015-16 would be 31-03-2022. Clearly, the notice u/s 148 is barred by limitation. Respectfully following the above decision, we quash the assessment order and allow

the appeal on this legal ground only. Delving into other grounds has been rendered merely academic in nature.

3. The appeal stand allowed in terms of our above order.

*Order pronounced u/r 34(4) of Income Tax (Appellate Tribunal) Rules, 1963.*

*Sd/-*  
**(SATBEER SINGH GODARA)**  
न्यायिक सदस्य / JUDICIAL MEMBER

*Sd/-*  
**(MANOJ KUMAR AGGARWAL)**  
लेखक सदस्य / ACCOUNTANT MEMBER

Dated: 22.04.2025

**आदेश की प्रतिलिपि ँ ग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT
4. विभागीय प्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT AGRA