IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "F": NEW DELHI

BEFORE Ms. MADHUMITA ROY, JUDICIAL MEMBER
AND
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER

ITA No. 1822/Del/2024	**A.Y. 2013-14**
ITA No. 1823/Del/2024	**A.Y. 2014-15**
ITA No. 1824/Del/2024	**A.Y. 2015-16**
ITA No. 1825/Del/2024	**A.Y. 2016-17**
ITA No. 1826/Del/2024	**A.Y. 2017-18**
ITA No. 1827/Del/2024	**A.Y. 2019-20**
ITA No. 1835/Del/2024	**A.Y. 2018-19**

Raghav Bahl, Apartment No. KCB-012, Tower B, 12th Floor, DLF Kings Court, W-Block, Greater Kailash-II, Delhi-110048. **PAN: AALPB 0480 G**	Vs	DCIT, Central circle-1, Delhi.
APPELLANT		**RESPONDENT**

AND

ITA No. 1828/Del/2024	**A.Y. 2013-14**
ITA No. 1829/Del/2024	**A.Y. 2014-15**
ITA No. 1830/Del/2024	**A.Y. 2015-16**
ITA No. 1831/Del/2024	**A.Y. 2016-17**
ITA No. 1832/Del/2024	**A.Y. 2017-18**
ITA No. 1833/Del/2024	**A.Y. 2018-19**
ITA No. 1834/Del/2024	**A.Y. 2019-20**

Ritu Kapur, Apartment No. KCB-012, Tower B, 12th Floor, DLF Kings Court, W-Block, Greater Kailash-II, Delhi-110048. **PAN: AHQPK 4186 N**	Vs	DCIT, Central circle-1, Delhi.
APPELLANT		**RESPONDENT**

Assessees represented by:	Shri Rajiv Khandelwal, CA; & Shri Gagan R. Khandelwal, Adv; & Shri Jaind Kumar Jaiswal, Adv.
Department represented by	Ms. Monika Singh, CIT(DR)

Date of hearing	03.06.2025
Date of pronouncement	20.06.2025

O R D E R

PER BENCH:

The instant batch of appeals, preferred by the assessees herein, arise against separate orders, all dated 30.03.2024, passed by the Ld. Pr. CIT(Central) KNP at Meerut in proceedings under Section 263 of the Income Tax Act, 1961 (hereinafter referred to as "the Act"). Since common issues are involved for adjudication in these appeals in respect of the assessees who are husband and wife, the same were taken up together for hearing and are being disposed of by a common order for the sake of convenience.

2. ITA No. 3522/Del/2024 for A.Y. 2013-14 in the case of Raghav Bahl is taken as a lead case and our decision therein shall follow mutatis mutandis in all other appeals.

ITA No. 1822/Del/2024 (A.Y. 2013-14) – Raghav Bahl:

3. In A.Y. 2013-14 the assessee has raised following grounds of appeal:

"1. That initiation of impugned revisionary proceeding u/s 263 of the Income Tax Act, 1961 (hereinafter referred as 'the act') was bad in law as intended revision of original assessment completed in contravention of applicable statutes, would result in non-est assessment and thereby, impugned initiation of revisionary proceeding deserves to be quashed.

2. That initiation of impugned revisionary proceeding u/s 263 of the act was bad in law as being the original assessment order was not erroneous or prejudicial to the interest of revenue as per Explanation 2 to section 263 of the act as necessary enquiry was duly conducted during original assessment proceeding, and no specific order /directions/instruction has been violated by the then assessing officer. Accordingly, impugned notice issued u/s 263 of the act deserves to be quashed.

3. That the Ld. Pr. Commissioner of Income Tax (Central), Kanpur (hereinafter referred as 'Pr. CIT') had erred in interfering with the original assessment order on facts of the matter as impugned revisionary proceedings u/s 263 of the act has been initiated without any valid reason or justification, and without conducting any proper enquiry/ investigation or cross verification of the facts. Therefore, the order passed u/s 263 of the act is illegal and invalid and deserves to be annulled.

4. That the Ld. Pr. CIT had erred in interfering with the original assessment order on facts of the matter as impugned revisionary order u/s 263 of the act has been passed without appreciating the fact that detailed enquiry has been conducted during the original assessment proceeding and no adversities were observed in such regard. Therefore, order passed u/s 263 of the act is pure example of 'change of opinion', and thereby, said order deserves to be annulled being illegal and invalid.

5. That the Ld. Pr. CIT had erred in interfering with original assessment order without appreciating the fact that said original assessment order has been passed after collective application of mind by the Ld. AO and authorities placed higher in hierarchy including office of Ld. Pr. CIT as well being concurrent discussion between adjudicating authority and senior authorities while making assessment in the case of main searched person at Central Charges is general practice. Therefore, the order passed u/s 263 of the act is illegal and invalid and deserves to be annulled.

6. That the Ld. Pr. CIT had erred in passing impugned revisionary order u/s 263 of the act without providing reasonable opportunity of being heard

to the appellant being the time allowed for complying to show cause notice dated 20.03.2024 issued u/s 263(1) of the act was merely 3 days. Therefore, the order passed u/s 263 of the act in gross contravention of principle of natural justice deserves to be quashed.

7. That the Ld. Pr. CIT had erred in setting aside the original assessment order and directing the Ld. AO to pass fresh order without appreciating the fact that at most, if any issue to be enquired into shall be restricted to issue indicated in the impugned order passed u/s 263 of the act relating to deduction claimed u/s 24(b) of the act. Therefore, the directions issued for fresh assessment order deserves to be restricted to issues observed during said revisionary proceeding itself.

8. All the aforesaid grounds of appeal are independent, in the alternative and without prejudice to one another.

9. The assessee craves to add, alter, delete, modify or withdraw any of the above grounds at the time of hearing."

4. The short point involved in these appeals is as to whether the order impugned issued under the signature of Ld. Pr. CIT(Central) KNP at Meerut dated 30.03.2024 in regard to all the assessment years under reference are sustainable in the eyes of law.

5. Brief facts leading to the case is this – The assessee initially filed his return of for A.Y. 2013-14 declaring total income at Rs. 1,04,53,330/-. A search u/s. 132 of the Act was conducted on 11.10.2018 on the premises of the assessee comprising M/s. PMC Group of cases wherein certain information/documents belonging to the assessee were also found & seized. Subsequently, the case was centralized and notice u/s. 153A of the Act was issued to the assessee on

31.12.2020, in response whereof the assessee duly filed his return of income through electronic mode on 11.02.2021 declaring total Income of Rs.1,04,53,330/-. As such reassessment was completed u/s 153A read with section 143(3) of the Act vide order dated 30.9.2021 at assessed income of Rs. 12,29,57,441/- upon making addition of Rs. 11,25,04,111/- u/s. 69A & 69C of the Act. Thereafter it was found by the Ld. PCIT upon verification of the order passed u/s 153A/143(3) of the Act that the said assessment was erroneous in so far as it was prejudicial to the interest of the revenue in as much as necessary enquiries or verification to verify the genuineness and correctness of the claims of the assessee was not made by the Assessing Officer. The assessee duly filed his reply the contents whereof are as follows:

> *"..This is in regard to the captioned matter. I, Raghav Bahl, the captioned assessee had received captioned notice dated 20.03.2024 in physical through speed post on 23.03.2024, wherein your goodself had show caused the captioned assessee to explain why assessment order dated 30.09.2021 passed u/s 153A r.w.s. 143(3) of the Income Tax Act, 1961 (hereinafter referred as 'the act') should not be considered as erroneous in so far prejudicial to the interest of the revenue being interest of Rs. 3,88,43,773/- claimed as deduction u/s 24b of the act has not been allegedly incurred in respect of loan availed exclusively for the purpose of purchase of property In this regard, our detailed submission is as under:*
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> *1. At the outset, it is most humbly submitted that impugned show cause notice dated 20.03.2024 issued by your goodself is against the basic principle of natural justice as the same doesn't provide reasonable opportunity of being heard to the captioned assessee and to file a proper & comprehensive reply to the impugned notice issued by your goodself. Vide impugned notice dated 20.03.2024 received in physical in evening on*

23.03.2024, your goodself had required the captioned assessee to file detailed reply and explanation by 11:30 Hrs of 27.03.2024 1.e. within less than I working day being 25.03.2024 is a Sunday and 26.03.2024 is once in a year festival of Holl, which is absolutely unfair and arbitrary. Henceforth, the time allowed for making compliance is unreasonably inadequate, the interest of justice and fair play and keeping in view the principles of natural justice. It is most humbly submitted that as per second principle of natural justice i.c. audi alteram partem which means 'to hear the other side', no one should be condemned unheard. Besides that notice is the first limb of this principle and it must be precise, unambiguous and it should apprise the party determinatively the case the captioned assessee has to meet, time provided for the purpose of filing response should be adequate so as to enable captioned assessee to make their proper representation. Thereby, impugned notice shall be dropped and thereby no cognizance in such regard may please be drawn. 2. Without prejudice to aforesaid submission, it is most humbly submitted that assessment order dated 30.09.2021 passed u/s 153A r.w.s. 143(3) of the act is already under challenge before Hon'ble Delhi ITAT on following grounds:

a. Said order, as uploaded on ITBA Portal was incomplete whereas, order issued in physical was issued without mentioning Document Identification Number (DIN) in the body of said order. Thereby, both orders i.e. either uploaded on ITBA Portal or issued in physical doesn't hold sanctity in the eyes of law.

b. Said order, either uploaded on ITBA Portal or issued in physical, was time barred u/s 153B of the act being incomplete order was uploaded on ITBA Portal whereas physical order were handed over to the postal department after expiry of period of limitation.

c. Said order, either uploaded on ITBA Portal or issued in physical, was illegal being additions made in said assessment order was nowhere based upon incriminating material unearthed during the course of impugned search operation conducted u/s 132 of the act, whereas, incriminating material is a pre-requisite for framing assessment in case of unabated assessment in light of landmark judgement of Hon'ble Supreme Court of India in case of PCIT vs. Abhisar Buildwell Pvt. Ltd. Civil Appeal No. 6580 of 2021, Date of Pronouncement: 24.03.2023.

d. Said order was passed without issuance of mandatory notice u/s 143(2) of the act.

e. Said order was passed without obtaining proper approval u/s 153D of the act being the then assessing officer as well as competent authority was placed at same hierarchy in the Income Tax Department at that point of time and also, the approval was was purely mechanical.

f. Said order was passed by the office of Deputy Commissioner of Income Tax but the officer holding office was Joint Commissioner of Income Tax whereas no order u/s 120 of the act mandating said person, being an authority higher in rank to hold the office of Deputy Commissioner of Income Tax, has been brought record.

In this regard, copy of Form 36 filed before Hon'ble Delhi ITAT indicating Grounds of Appeal, is attached herewith at Page No. 1-8 for your kind perusal. Apparently, said assessment order dated 30.09.2021 is pending for adjudication before Hon'ble Delhi ITAT and thereby, any proceeding emanating from legally unsustainable order would also be legally void-ab-initio. Thereby, it is most humbly requested that impugned notice dated 20.03.2024 deserves to be dropped.

3. Further, your goodself may kindly appreciate the fact that at the time of finalization of assessment u/s 153A of the act in the captioned matter, it is understood by the captioned assessee that concurrent discussions must have been conducted at Income Tax Department, NOIDA between the then Assessing Officer le. Ld. Deputy Commissioner of Income Tax, Central Circle, Noida, the then Jurisdictional Additional Commissioner Le. Ld. Additional Commissioner of Income Tax, Central Circle, Meerut, the then Jurisdictional Commissioner of Income Tax i.e. Ld. Incumbent Officer as well as Ld. Director General of Income Tax Investigation and as such, the said order must have been passed after thorough discussion. Thereby, such order could not be considered as prejudicial to the interest of revenue u/s 263 of the act.

4. Without prejudice to aforesaid submission, on perusal of provisions of section 263 of the act, it is clearly evident that any order of assessment shall be considered as erroneous in so far as prejudicial to the interest of revenue, either of the following case exists:

-Either the order was passed without making inquiries and verification which should have been made, or

-the order was passed allowing any relief without enquiring in the claim, or the order has not been made in accordance with any order, direction or instruction issued by CBDT u/s 119, or

-the order has not been passed in accordance with any decision which is prejudicial to the assessee, rendered by the jurisdictional High Court or Supreme Court in the case of the assessee or any other person. In the impugned matter in hand, the then assessing officer had duly conducted comprehensive enquiries during the course of impugned assessment proceeding and more specifically, detailed enquiry has been conducted in respect of deduction claimed u/s 24b of the act during the course of impugned assessment proceeding. Pertinently, it is most humbly submitted that the then assessing officer had duly conducted enquiry regarding interest expense claimed by the captioned assessee during the period under consideration vide notice dated 08.09.2021 issued u/s 142(1) of the act and necessary response to such query alongwith relevant documentary evidences were duly filed before the then assessing officer vide online submission dated 20.09.2021. (Copy of said notice dated 08.09.2021 is attached herewith at Page No. 912 for your kind perusal whereas, copy of submission dated 20.09.2021 filed in respect of period under consideration alongwith relevant annexures are attached herewith at Page No. 13-83 for your kind perusal.) Pertinently, your goodself may kindly appreciate that the then assessing officer had raised specific query in respect of impugned issue indicated in the impugned notice dated 20.03.2024 and necessary response thereto alongwith relevant documentary evidences were filed by the captioned assessee to satisfy the then assessing officer in such regard. Accordingly, the matter in hand is nowhere covered by any of the condition prescribed under Explanation 2 to Section 263 of the act and thereby, invocation of provisions of section 263 of the act in the impugned matter is bad in law and deserves to be dropped. 5. Further, impugned invocation of provisions of section 263 of the act in the impugned matter would tantamount to change of opinion' being considering all relevant documentary evidences available on record, the then assessing officer had not drawn any adverse inference but without bringing on record any additional finding, your goodself had proposed to invoke provisions of section 263 of the act. In this regard, the captioned assessee places reliance on the Judgement of Hon'ble Supreme Court of India in the case of Malabar Industrial Co. Ltd. vs. CIT (2000) 243 ITR 83 (SC), wherein it was held as under:

"A bare reading of section 263(1) makes it clear that the pre-requisite to exercise of Jurisdiction by the Commissioner suo motu under it, is that the order of the ITO is erroneous insofar as it is prejudicial to the interests of the revenue. The Commissioner has to be satisfied of twin conditions, namely, (1) the order of the Assessing Officer sought to be revised is erroneous; and (II) It is prejudicial to the interests of the revenue. If one of them is absent if the order of the ITO is erroneous but is not prejudicial to the revenue or if it is not erroneous but is prejudicial to the revenue-recourse cannot be had to section 263(1). There can be no doubt that the provision cannot be invoked to correct each and every type of mistake or error committed by the Assessing Officer, it is only when an order is erroneous that the section will be attracted. An incorrect assumption of facts or an incorrect application of law will satisfy the requirement of the order being erroneous. In the same category fall orders passed without applying the principles of natural justice or without application of mind. The phrase "prejudicial to the interests of the revenue' is not an expression of art and is not defined in the Act. Understood in its ordinary meaning, it is of wide Import and is not confined to loss of tax. The scheme of the Act is to levy and collect tax in accordance the provisions of the Act and this task is entrusted to the revenue. If due to an erroneous order of the ITO, the revenue is losing tax lawfully payable by a person, it will certainly be prejudicial to the interests of the revenue. The phrase 'prejudicial to the Interests of the revenue' has to be read in conjunction with an erroneous order passed by the Officer. Every loss of revenue as a consequence of an order of the Assessing Officer cannot be treated as prejudicial to the interests of the revenue, for example, when an ITO adopts one of the courses permissible in law and it has resulted in loss of revenue; or where two views are possible and the ITO has taken one view with which the Commissioner does not agree, it cannot be treated as an erroneous order prejudicial to the interests of the revenue unless the view taken by the ITO is unsustainable in law. It has been held by the Supreme Court that where a sum not earned by a person is assessed as income in his hands on his so offering, the order passed by the Assessing Officer accepting the same as such will be erroneous and prejudicial to the interests of the revenue."

In light of aforesaid submission, impugned invocation of provisions of section 253 of the act is unjustified and against the intent of law.

Thereby, it is most humbly requested that Impugned Show Cause Notice dated 20.03.2024 may please be dropped being Issues identified by your goodself were duly examined specifically by the then assessing officer during the course of impugned assessment proceeding conducted u/s 153A of the act.

Further, it is understood by the captioned assessee that impugned issue has been addressed by your goodself after independent verification of assessment records by your goodself and not on the basis of some recommendation, If so, the copy of such recommendation has not been provided with impugned notice.

In view of the above submissions specially on legalities of the present proceedings, the initiation of proceeding at the fag-end of time barring is bad in law and facts. Accordingly, the same may please be dropped..."

6. After considering the reply filed by the assessee the Ld. PCIT mainly observed as follows:

7.2. Further, during the assessment proceedings the assessee had also submitted that no new property in India was acquired during the AY 2013-14 relevant to previous year 2012-13. it was noticed from the assessment records that the assessee had made payment of Rs. 28,10,63,500/- in 2007,2008 and 2009 through Cheques and RTGS against the purchase of the said property at Bangalore but neither any such investment had been shown nor declared any capital borrowed for the purchase of the properties rented prior to the search operation. It is pertinent to mention here that the gross income of the assessee was above Rs. 50,00,000/-in the AY 2009-10, therefore, the assessee was required to declare his liabilities and assets. However, the assessee had file ITR-2 contrary to the provisions of the I.T. Act, 1961. It shows that there was no liability of the assessee.

7.3 Further, On perusal of assessment records revealed that the assessee claimed interest of Rs. 3,88,43,773/- on loan for Small & Medium Enterprise (SME). but shown ont account of rental lease (The lease i.e. Robert Bosch Engineering and Business Solution Limited). It was noticed that the loan was not used for purchase of property (neither before nor during F.Y. 2012-13 relevant to AY 2013-14. The assessee had used the loan amount for other

business purposes as the assessee had admitted that during the year under consideration no property was acquired in India, during the assessment proceedings the assessee had not submitted the details of the loan as when the loan was taken. R

On verification of records it is notice that the property of Bangalore was acquired in 2008 by the assessee from unknown sources which was never reported before search and there was no connection between loan and property acquired.

7.4 Verification of assessment records shows that the assessee had claimed deduction of interest of Rs. 3,88,43,773/- under section 24 of the IT, Act, 1961 and the assessing officer allowed the same. However, keeping in view of the above discussion the said interest is not allowable and the same should have been disallowed by the assessing officer, which the assessing officer failed to do so."

7. The Ld. PCIT by invoking Explanation 2 to Section 263 of the Act held that the order dated 30.03.2021 passed by the AO under Section 153A read with Section 143(3) of the Act was erroneous and prejudicial to the interests of revenue in the absence of verification of facts/inquiries made by the said AO, thereby setting aside the issue to the file of Ld. AO with direction to pass fresh order upon conducting proper inquiries. Challenging the same the assessee is in appeal before us.

8. We have heard rival submissions made by the respective parties. We have also perused the relevant material available on record. It appears from the order impugned passed under Section 263 of the Act that the same has been issued for the following reasons:

(i) That the assessee has not shown in his return of income, assets and liabilities for years 2007, 2008 & 2009 inasmuch the gross income of the assessee is above Rs. Fifty lakhs;

(ii) That the assessee has used the loan for other business purposes inasmuch as assessee had stated that no property was purchased by him during the year under reference.

(iii) According to Ld. PCIT the assessee has not submitted details of loan obtained for purchase of the property in question.

(iv) The property acquired in Bangalore was not reported before the search operation on the assessee.

9. So far as issue Nos. 1 & 2 is concerned it is categorically found that no property was purchased by the assessee during the Assessment Year 2013-14. The assessee upon obtaining sanction of loan by the State Bank of India on 28.01.2008 purchased the property situated at L&T Cyber Park, Phase-II, Bengaluru – 3rd floor and 4th floor on 25.02.2009. It is found that there was no such requirement of furnishing details of assets and liabilities in the return of income for A.Y. 2008-09 to A.Y. 2010-11, rather such requirement of providing the details of assets and liabilities if the gross income exceeds Rs. Fifty lakhs was for the first time introduced in the return of income for A.Y. 2016-17. It is further evident from the return of income filed by the assessee up to the A.Y. 2015-16 where no such format is found to have been placed in the ITR rather for A.Y. 2016-17 schedule

AL has been introduced to be filled up by the assessee in case where total income exceeds Rs. 50 lakh, wherein the cost of immovable property being land, building and movable assets being cash in hand, jewellery, bullion etc. vehicles, yachts, boats and aircraft and further for liability in relation to assets at A as mentioned herein above has been directed to be filled in. The above fact is evident from the income-tax return filed by the assessee for A.Y. 2016-17 which is part of the paper book filed before us. In that view of the matter the finding that the assessee has not shown the assets and liabilities in the return of income in A.Y. 2007, 2008 & 2009 practically does not hold good.

10. So far as loan used by the assessee for other business purposes inasmuch as the appellant has stated that no property was purchased during the year under reference, as indicated in the order impugned is concerned, it is found that the assessee obtained the loan which was sanctioned by the State Bank of India, the details whereof have been duly submitted before us and specifically for the purchase of the property as indicated hereinabove which is also evident from the deed of assignment entered into between M/s Cyber Park Development and Construction Limited and the assessee before us; Schedule C whereof specifically mentions – "the entire office space in the third & fourth floors, totally measuring approx. 85,300 sq. ft of super built up Area in Phase II of Cyber Park forming part of Schedule A property situated at Plot 76, 77 and part of 78 in survey Nos. 66 &

67 (part) of Doddathogur village, Begur Hobbli, Bangalore District. The details of funds given to the assessee and the monthly instalments is also specifically mentioned in the sanction letter granted by the State Bank of India dated 29.01.2008 and letter of arrangement dated 7.5.2008. Arrangement dated 29.01.2008 is of Rs. 5 crores and the letter of arrangement dated 7.5.2008 granted by State Bank of India is of Rs. 15 crores. It is the case of the assessee that the cause of action for claiming interest arose in A.Y. 2012-13 and the same was allowed by the Ld. AO immediately in the preceding year. During that particular assessment proceedings the letter of Mohan Lal Jain dated 23.01.2015 was duly filed to the Ld. AO together with the interest certificate issued by the Standard Chartered Bank for the period 1.4.2011 to 30.1.2012 along with the bank statement. In fact the assessee obtained further loan from the Standard Chartered Bank and paid the earlier loan obtained from the State Bank of India, the details whereof has been annexed to the paper book from pages 78 to 88. Needless to mention, the same relief has been granted to the assessee upon examination of the documents which were wholly placed before the said authorities, evidence whereof is also placed before us being part of the paper book.

11. The Ld. Counsel appearing for the assessee made reference to these documents while explaining the issue raised by the Ld. PCIT in the order impugned to this effect that the assessee has not submitted the details of loan

obtained. It is the case of the assessee that during the course of assessment and reassessment proceedings under Section 153A of the Act the entire set of documents were duly submitted, the acknowledgement whereof is also part of the paper book filed before us.

12. Pages 34 to 77 of the paper book deal with the fact supported by documents of letting the property on lease by the assessee to one M/s Robert Bosch Engineering and Business Solutions Ltd. The lease deed executed on 22.6.2011/ 19.09.2011 by and between the parties, namely the assessee and the said M/s Robert Bosch Engineering and Business Solutions Ltd. duly registered is appearing from pages 34 to 77 of the paper book. Page 78 of the paper book is the banking facility (ies) letter dated 15.07.2011 issued by the Standard Chartered Bank to the assessee of term loan of Rs. 31,98,00,000/- for the commercial property "L&T CyberPark" Phase 2, Hosur road, Electronic City, Bangalore South Taluk, as already mentioned hereinabove . Page 89 is nothing but the Interest Certificate issued by the Standard & Chartered Bank to the assessee. The assessee has further given the computation of total income for A.Y. 2013-14 claiming interest under Section 24B of the Act. It is relevant to mention that the claim of interest was allowed in the case of the assessee for A.Y. 2012-13 and 2013-14 under Section 143(3) order passed by the AO and further for A.Y. 2013-14 by and under the order passed under Section 153A reassessment order passed by the Ld. AO. We note that the entire set of documents in respect to the end observation made by the

Ld. PCIT in paras 7.2 to 7.4 were duly filed before the Ld. AO in the reassessment proceedings initiated under Section 153A of the Act. Such fact has not been controverted by the Ld. DR before us. Thus, the order impugned invoking Explanation 2 by the Ld. PCIT is found to have no manner of application having regard to all relevant documents being filed by the Ld. AO during reassessment proceedings under Section 153A by the assessee and on verification whereof the assessment was finalized allowing the claim of interest under Section 24B of the Act. We note that apart from that, in fact this particular aspect of the matter of income from house as declared by the assessee has duly been taken care by the Ld. AO in A.Y. 2012-13 which is evident from the order passed by the Ld. AO being the DCIT Circle 25(1), New Delhi dated 5.3.2015 under Section 143(3) of the Act, a copy whereof has already been filed before us. Needless to mention that it is the continuing cause of action and once the interest has been allowed by the AO initially in A.Y. 2012-13 the same cannot be disturbed subsequently without finding of any different fact which has already been narrated by us hereinbefore against the assessee. Thus, taking into consideration the entire aspect of the matter we find that the order impugned is nothing but the non application of mind having regard to the order passed by the Ld. AO in the reassessment proceedings under Section 153A of the Act accepting the claim of interest income under Section 24B of the Act upon examination of the issue after verification of the details filed by the

Assessee. The Ld. AR submitted before us that under the present facts and circumstances of the matter it cannot be said that no inquiries what-so-ever have been conducted by the AO with respect to the claims under consideration. In support of his contention he has relied upon the judgment of Hon'ble Delhi High Court in the case of PCIT v. Clix Finance India (P) Ltd. [2024] 160 taxmann.com 357(Delhi). It was also mentioned by him that the plausible view having been taken by the AO in the assessment order the same cannot be held to be prejudicial to the interests of Revenue. In support of his contention Ld. AR relied upon the decision of the Hon'ble Delhi High Court in the case of CIT v. Sunbeam Auto Pvt. Ltd. [2011] 332 ITR 167 (Del.), which has been duly considered by us and found to be applicable in the case in hand having regard to the facts and circumstances of the case. Thus, when the claims of the assessee have been duly examined during original assessment proceedings and also the reassessment proceedings under Section 153A of the Act itself, there could have been no error, neither the same is found to be prejudicial to the interest of Revenue as observed by the Ld. PCIT in the order impugned before us. The order passed under Section 263 of the Act is, therefore, found to have no legs to stand and thus quashed. Assessee's appeal in ITA No. 3522/Del/2024 for A.Y. 2013-14 stands allowed accordingly.

13. Facts of the case in rest of the captioned appeals being identical, following our finding given in ITA No. 3522/Del/2024 mutatis mutandis, the impugned

revisionary orders passed by the Ld. PCIT in other appeals being ITA Nos. 1823 to 1827 & 1835/Del/2024 (for A.Y. 2014-15 to 2019-20) in the case Raghav Bahal; and in ITA Nos. 1828 to 1834/Del/2024 (for A.Yrs. 2013-14 to 2019-20) in the case of Ritu Bahl are quashed.

14. In the result, the captioned appeals filed by the assessees are allowed.

Order pronounced in open court on 20.06.2025.

Sd/-	**Sd/-**
(NAVEEN CHANDRA)	**(MS. MADHUMITA ROY)**
ACCOUNTANT MEMBER	**JUDICIAL MEMBER**

Dated: 20.06.2025.
MP
Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI