

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

**BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT  
AND  
SHRI KRINWANT SAHAY, ACCOUNTANT MEMBER**

**ITA No. 1966/DEL/2020  
Assessment Year: 2006-07**

<b>Vijay Kataria, B-14, Ground Floor, Geetanjali Enclave, New Delhi-110017. PAN: AAFPK 4146 G</b>	<b><u>Vs</u></b>	<b>ACIT, Central Circle-6, New Delhi</b>
<b>APPELLANT</b>		<b>RESPONDENT</b>

**ITA No. 832/DEL/2021  
Assessment Year: 2006-07**

<b>ACIT, Central Circle-6, New Delhi</b>	<b><u>Vs</u></b>	<b>Vijay Kataria, B-14, Ground Floor, Geetanjali Enclave, New Delhi-110017. PAN: AAFPK 4146 G</b>
<b>APPELLANT</b>		<b>RESPONDENT</b>

<b>Assessee represented by</b>	<b>Shri R.S. Singhavi, Adv. &amp; Shri Satya Jeet Goel, Adv.</b>
<b>Department represented by</b>	<b>Ms. Monika Singh, CIT(DR)</b>
<b>Date of hearing</b>	<b>16.09.2025</b>
<b>Date of pronouncement</b>	<b>24.09.2025</b>

**ORDER**

**PER KRINWANT SAHAY, ACCOUNTANT MEMBER:**

The captioned cross appeals, preferred by the assessee as well as the Revenue against their respective grievances, are directed against the order dated 26.02.2020 passed by the learned Commissioner of Income-tax (Appeals)-24,

New Delhi against the order of assessment for A.Y. 2006-07. Both these appeals were heard together and are being disposed of by this common order for the sake of convenience.

2. During the proceedings before us the learned counsel for the assessee has taken an additional ground, which is legal in nature, challenging the validity of initial assessment order passed u/s 143(3) read with section 153A of the Income-tax Act, 1961 (hereinafter referred to as the "Act), on the ground of lack of proper approval u/s 153D. The learned counsel also brought on record a copy of reply of the department on this issue received in response to RTI application. From the letter obtained from the Income Tax Department by the assessee in response to its RTI application it is clear that the Assessing Officer had sent a letter to the Additional CIT, Central Range-2, New Delhi on 27.12.2016 for granting approval u/s 153D and the same was returned on the same day i.e. 27.12.2016 to the assessing officer, according approval for passing the assessment order. The learned counsel argued that by doing so it is clear that the learned Additional CIT, Central Range-2, New Delhi had accorded approval u/s 153D in haste without making due application of mind on the assessment order as the approval had been accorded on the same day on which the request for approval was received in his office. Learned counsel, accordingly, prayed for admission and adjudication of legal additional ground. In support of his contention learned counsel relied upon the case law in the cases of National Thermal Power Co. Ltd. v. CIT [1998] 229 ITR 383 (SC); Hemal Knitting Industries v. ACIT [2010] 127 ITD 160 (Chennai) (TM); and Omega Biotech Ltd. v. ITO (ITA No. 2570/Del/15)(12.04.2019) (Delhi ITAT).

3. We have considered the arguments of the learned counsel on the admission of additional ground of according approval u/s 153D. Learned DR could not controvert the fact that the legal ground sought to be raised at the assessee's behest

goes to the root of the matter, therefore, relying upon the ratio of decision of the Hon'ble Supreme court in the case of National Thermal Power Co. Ltd. (supra) as also the order of the coordinate Bench (supra), the additional ground raised by the assessee is admitted for adjudication.

3.1 The Ld. DR has filed an elaborate written submission dated 22.09.2025. But in this written submission discussion has been made along with case laws on different grounds of appeal on merit. Nothing has been brought on record on the additional ground on the technical/ legal ground raised regarding approval u/s 153D.

3.2 In the instant case admittedly the learned Additional CIT, Central Range-2, New Delhi has accorded his approval on the same day on which the request for approval was received. The aforesaid fact coupled with the reply of the department on this issue received in response to assessee's RTI application clearly reveals that the Approving Authority, while granting approval u/s 153D of the Act has acted in haste, without examining the assessment record and as a mere rubber stamp. The approval granted is, thus, completely mechanical without application of mind. Thus, in our view, the approval granted u/s 153D of the Act is invalid being not in accordance with the provisions contained u/s 153D of the Act. Consequently, the assessment order passed in pursuance to such approval is also invalid, hence, deserves to be quashed. We order accordingly. In coming to our conclusion we draw support from catena of judgments in PCIT v. Anuj Bansal 2023 SCC OnLine Del 4159 as also the decisions in the cases of PCIT v. Subodh Agarwal [2023] 149 taxmann.com 373 (Allahabad); PCIT v. Shiv Kumar Nayyar (2024) 163 taxmann.com 9 (Del.); PCIT v. MDLR Hotels (P) Ltd. (2024) 166 taxmann.com 327 (Del.); and ACIT vs. Serajuddin & co. (2024) 163 taxmann.com 118 (SC).

4. Since we have quashed the assessment order itself while deciding the legal grounds raised by the assessee, the other grounds raised on merits have become purely academic, hence do not require adjudication. Resultantly, assessee's appeal is allowed as indicated above.

5. In view of our decision in assessee's appeals (supra), the appeal of the Revenue has become infructuous, hence dismissed.

6. To sum up, assessee's appeal ITA No. 1966/Del/2020 is allowed and Revenue's appeal ITA No. 832/Del/2021 is dismissed.

Order pronounced in open court on 24.09.2025.

Sd/-

**(MAHAVIR SINGH)**  
**VICE PRESIDENT**

Sd/-

**(KRINWANT SAHAY)**  
**ACCOUNTANT MEMBER**

Dated: 24.09.2025.

\*MP\*

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT, NEW DELHI