

IN THE INCOME TAX APPELLATE TRIBUNAL, RAJKOT BENCH, RAJKOT  
BEFORE DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER

AND

SHRI DINESH MOHAN SINHA, JUDICIAL MEMBER

आयकर अपील सं./ITA Nos. 274 to 276/RJT/2024

(Assessment Year: 2013-14 to 2015-16)

(Hybrid Hearing)

Ramaben Maganlal Zalaria, Umakant Udhyognagar, Near Gandhiya Estate, Mavdi Plot, Rajkot-360004	Vs.	The PCIT-1, Rajkot 360001
स्थायी लेखासं./जीआइआरसं./PAN/GIR No.: AACPZ0156C		
(अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

निर्धारितकीओरसे/Assessee by : Shri Vimal Desai, Ld. AR

राजस्वकीओरसे/Revenue by : Shri Sanjay Punglia, CIT-DR

सुनवाईकीतारीख/ Date of Hearing : 26/08/2025

घोषणाकीतारीख/Date of Pronouncement : 29/10/2025

**आदेश/ORDER**

**Per, Dr. A. L. Saini, AM:**

By way of these three appeals, pertaining to single assessee for different assessment years, the assessee has challenged the correctness of the order dated 27.03.2024 passed by the Learned Principal Commissioner of Income-tax (in short "Ld PCIT") under section 263 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act'), for the assessment years 2013-14, 2014-15 and 2015-16.

2. Since, the issues involved in all these three appeals are common and identical; therefore, these appeals have been heard together and are being disposed of by this consolidated order. For the sake of convenience, the grounds as well as the facts

narrated in ITA No. 274/Rjt/2024 for assessment year 2013-14, have been taken into consideration for deciding the above appeals *en masse*.

3. Grievances raised by the assessee, in lead case in ITA No. 274/Rjt/2024 for assessment year 2013-14, which, being interconnected, will be taken up together, are as follows:

*"1.The order u/s. 263 of the Act is bad in law.*

*2.The learned Pr. CIT has erred in law as well as on facts in not considering the submissions of the appellant on the strength of which the re-assessment order was neither erroneous nor prejudicial to the interest of revenue and therefore the provisions of Section 263 of the Act were not applicable to the case of the appellant.*

*3. The learned Pr. CIT has erred in law as well as on facts in setting aside the re-assessment order passed by the ld. assessing officer u/s 147 r.w.s. 144B and directing assessment de-novo assessment regarding verification of the alleged cheque(s)/DD(s) received in lieu of cash deposits"*

4. The relevant material facts, as culled out from the material on record, are as follows. The Assessee had filed her return of income for assessment year 2013-14, on 08/12/2021, declaring total income of Rs.2,33,670/-, in response to notice issued u/s 148 of the I.T. Act dated 29.03.2021. The Assessment was finalized u/s 147 r. w.s. 144B of the Income-tax Act, 1961, on 26/03/2022 accepting returned income of Rs. 2,33,670/-.

5.Later on, Learned Principal Commissioner of Income-tax(in short "LdPCIT") , exercised his jurisdiction under section 263 of the Income-tax Act, 1961. The learned PCIT observed that a survey action u/s 133A was carried out on 18<sup>th</sup> September 2014.Subsequent, upon finding unaccounted cash of Rs.1,10,00,000/- (Rs. One Crore Ten Thousand) found at premises of Yash Enterprise (Prop-Shri

Chetan Haribhai Bhalodiya), 202-Darshan Complex, Opp-Bombay Garage. Gondal Road, Rajkot. Consequently, search action u/s 132 was conducted on 19th September 2014. Thereafter, unaccounted cash was found in following Bank Accounts of the above concerns.

Sl. No.	Name of the Bank	Account No.	Unaccounted Amount
1	The Veraval Mercantile Co-op. Bank Ltd., University Road, Rajkot	CA 1406	14,04,000/-
2	Punjab National Bank, Ramkrishna Nagar Branch, Rajkot	4637005900000011	38,72,000/-
3	Axis Bank, Shastri Nagar Branch, Rajkot	913020002355800	22,36,000/-

Thereafter, search action u/s 132 was conducted on 19th September 2014. The search has resulted into seizure/impounding of incriminating documents. Further enquiries were made into source of the cash deposits and their destination. As a result, a number of beneficiaries have been identified, who had received unaccounted payments through Shri Chetanbhai Haribha Bhalodiya, Shri Chetan Bhalodiya identified beneficiaries and the cash payments made to them. On the basis of seized material and his statements recorded on various dates, the beneficiaries were identified, to whom Sh. Chetan Bhalodiya has given cash. Shri Chetan Bhalodiya, in his statement under oath, recorded on 17.02.2015, he mentioned the name and address of the beneficiaries and the amount he had paid to each. This amount was also recorded in the material seized from the premises of Sh. Chetan Bhalodiya. The assessee is one of the beneficiaries and had received aggregate cash of Rs.64,42,090/-from Shri Chetan Bhalodiya, Prop. of M/s Yash Enterprise. Here in the case of the assessee the information received as per dissemination is as shown as under:

Sl. No	Beneficiary Name	Beneficiary's address
29	Balkrishna Industrial	Balkrishna Industrial Corporation 02, Mavdi Plot, Near Gadhiva Estate,

6. During the assessment proceedings, the assessee denied having any transaction with Shri Chetan Bhalodiya, Prop. of M/s Yash Enterprise. However, the assessing officer did not make any efforts to find out correctness of the information received from the Authority concerned who gave such information to the assessing officer and accepted the returned income. The assessing officer has failed to treat aggregate cash receipts of Rs.64,42,090/-, as unexplained within the meaning of section 69A of the I. T. Act and not charged tax u/s section 115BBE of the I.T. Act. Considering such facts, notice u/s 263 of the Income-tax Act, 1961, dated 08.02.2024 was issued by Id.PCIT which was duly served upon the assessee.

7. In response to the above notice of Id.PCIT, the assessee submitted its reply before the Id. PCIT. The assessee submitted that Faceless assessing officer does not have any incriminating material or any adverse evidence against the assessee on records, therefore, he cannot make any addition. Hence, his order is not erroneous in any manner. The Faceless assessing officer has made due enquire to assessee and the jurisdictional assessing officer in the course of the assessment proceedings. After all this, when assessing officer did not have any material/evidence against the assessee and the time-barring date approached, assessing officer passed the assessment order, accepting the returned income. Therefore, it is not correct to state that the Faceless assessing officer has not made any inquiries, proper and enough enquiries

were made by the assessing officer. Faceless assessing officer himself has observed during the course of the assessment proceedings the specific documentary evidences were neither available on the insight portal nor available with the Junsdictional assessing officer. Thus, the reopening of the assessment proceedings without there being any incriminating material on records and merely on the basis of borrowed satisfaction itself is bad in law. The assessing officer himself has failed to bring on record any adverse evidence within the time limit prescribed under section 153 of the Act and to stretch his inquiries and get additional time, the revision under section 263 of the Act, was proposed so that such inquiries can be conducted in the de novo assessment, which is not the object of provisions of section 263 of the Act. Hence, order passed by the assessing officer is neither erroneous nor prejudicial to the interest of the revenue.

8.However, the Id. PCIT rejected the above reply of the assessee and observed that **the assessee had received cash amount from Shri Chetal Bhalodiya** which will not show in the bank statements. During recording of the statement, on various dates, Shri Chetan Bhalodiya identified beneficiaries and the cash payments made to them. The Id.PCIT noticed that sufficient evidences are available with the department which proved that during the year under consideration, the assessee has received cash of Rs.64,42,090/- from Shri Chetan Bhalodiya. The assessing officer was duty bound to examine the information available with the Department and conducting enquiry based on the same. Accordingly, the impugned assessment order passed by the assessing officer u/s 147 r.w.s. 144B of the Income-tax Act 1961, on 26.03.2022 was set aside by Id PCIT for fresh assessment.

9. Aggrieved by the order of the Id. PCIT, the assessee is in appeal before us.

10. Shri Vimal Desai, Learned Counsel for the assessee, argued that assessing officer has reopened the assessee's case based on the information received from the Department and in reasons recorded, the assessing officer mentioned that **assessee had received cheque**, however the Id. PCIT in his order stated that the **assessee had received the cash**, therefore, there is no certainty in the reasons recorded by the assessing officer, as well as issue raised by the learned PCIT in his revision order. The learned PCIT believed that assessee had received cash, however, assessing officer believed that assessee had received cheque. Hence, issue raised by the learned PCIT to revise the assessment order under section 263 of the Act is not certain. The Id. Counsel further clarified that in the reasons recorded, there is mentioned, that the assessee received the cheque. However, the Id. PCIT has invoked the jurisdiction stating that assessee has received the cash, therefore there is contradiction in the allegation made by the assessing officer, in the assessment order, that is, in the re-assessment proceedings and the allegation made by the Id.PCIT in his revision order, therefore, in this conflicting situations, the Id. PCIT should not have revised the order of the assessing officer, without being ascertained, whether in the impugned transaction, the cheque amount is involved or cash amount is involved, hence order of learned PCIT may be quashed on this score only.

11. Learned Counsel also submitted that during the assessment proceedings, assessing officer has conducted sufficient enquiry about the issue raised by the learned PCIT. During the assessment proceedings, the A.O. issued notice u/s. 142(1) of the Act, which is placed at paper book page no. 26 and in response to the said notice, the assessee submitted its reply on 5th March, 2022, which is placed at

paper book page no. 35. Therefore, during the assessment proceedings by issuing the notice u/s 142(1) of the Act, the assessing officer has conducted enough inquiry and assessee submitted the reply before the assessing officer, on the same issue which was raised by the Id. PCIT. The Id. Counsel also submitted that before the Id. PCIT, the assessee had submitted required documents and evidences which is noted by the Id. PCIT, in para 4.1 to 4.3 of his order, hence, there is no lack of inquiry in the assessee's case. In the assessee's case, enough inquiry was conducted by the assessing officer, therefore, order passed by the assessing officer is neither erroneous nor prejudicial to the interest of the Revenue.

12. The Id. Counsel for the assessee also argued that reasons recorded by the assessing officer is not in accordance with the provisions of the Act and since the reasons recorded are bad in law therefore consequential revision proceedings by the Id. PCIT u/s. 263 of the Act is also not valid. For that, the Id. Counsel for the assessee, took us through the paper book page no. 30 wherein reasons recorded by the assessing officer are stated, vide para 3 of the reasons recorded, wherein the A.O. mentioned that the assessee got the cheque in lieu of cash deposit of Rs. 64,42,090/-. The relevant para of the reasons recorded are reproduced below:

*"3. As per the information received, it is found that during the year, the assessee has got cheque(s) / DD(s) in lieu of cash deposits of Rs.64,42,090/- by him / her....."*

The Id. Counsel took us through the order of the Id. PCIT and stated that Id. PCIT has exercised revision proceedings, on different footing stating that assessee has received the cash, which is specially mentioned by Id. PCIT in para 4.2 of his revision order. Hence, there is inconsistency between the reasons recorded, the reasons were recorded that the assessee has received the cheque whereas the Id. PCIT has exercised the jurisdiction u/s 263 of the Act stating that the assessee has

received the cash, hence the Id. PCIT did not have any jurisdiction to revise the assessment order, on the issue, which was not in the assessment order, as the issue was pertaining to cheque received by the assessee, in the assessment order, however, the PCIT invoked jurisdiction that the assessee has received the cash. Therefore, the PCIT exceeded his jurisdiction beyond the scope of assessment order.

13. On the other hand, the Id. CIT-DR for the Revenue submitted that reasons recorded were as per the provisions of the Act and the assessing officer has received the information from the Department and then based on such information the ITO, Ward-1(1) has framed the reasons for escaping of income in the case of the assessee and in the reasons recorded, there was mentioned that the assessee has received the cheque. The assessee's case was handled by two assessing officers and not by one assessing officer, therefore, instead of cash, in the reasons recorded cheque was mentioned, hence, it is a minor mistake committed by the assessing officer. The Id. CIT-D.R. submitted that the A.O. has not conducted proper inquiry, as he ought to have conducted, considering the facts and circumstances of the case, therefore order passed by the A.O. is erroneous as well as prejudicial to the interest of the Revenue.

14. In rejoinder, the Id. Counsel for the assessee submitted that the faceless A.O. has not failed to conduct the inquiry. In faceless proceedings, there are units of faceless where several assessing officers sit and they adjudicate the issue, therefore, in the assessee's case under consideration only faceless A.O. was involved and assessee is concerned about only one assessing officer and therefore the Id. Counsel also submitted that the basic information was not available before the assessing officer. The Id. Counsel also submitted that it is the internal matter of the Department whether the assessee's case was handled by two assessing

officers or by one assessing officer, the assessee knows only one assessing officer. which is faceless assessing officer, therefore the faceless assessing officer did not have any information with him/ or proper information to re-open the case of the assessee.

15. We have carefully considered the facts of the case, the submission of the Learned Counsel for the assessee and Id DR for the Revenue and evidences on record. We note that assessee has denied to have carried out any transaction with M/s Yash Enterprise (Prop. Chetan Bhalodiya) during the year under consideration and to prove this fact the assessee had provided a copy of bank statements wherein neither the name of any Chetan Bhalodiya or M/s Yash Enterprise was appearing nor any amount of Rs. 64,42,090/- was reflected in the bank statement. We also find merit in the submissions of learned Counsel for the assessee to the effect that there should be certainty in the allegation made in the assessment order and the allegation made by the learned PCIT. The Id. PCIT has invoked the jurisdiction stating that assessee has received the cash, however, assessing officer stated that she received cash, therefore there is contradiction in the allegation made by the assessing officer, and the allegation made by the Id.PCIT in his revision order, therefore, in this conflicting situations, the Id. PCIT should not have revised the order of the assessing officer, without being ascertained, whether in the impugned transaction, the cheque amount is involved or cash amount is involved, hance order of learned PCIT may be quashed on this score only.

16. We also note that other allegation of the Id. PCIT was that during the assessment proceedings, the assessing officer has not conducted sufficient inquiry. Therefore, first of all, we should examine that what kind of inquiries were conducted by the assessing officer. We note that the assessing officer, in order to

conduct thorough inquiry, issued the notice u/s 142(1) of the Act, dated 17th December, 2021, wherein the pertinent question asked by the assessing officer is reproduced below:

*"5. As per the information available with the Department, it is seen that Shri Chetan Bhalodiya proprietor of Mix. Yash Enterprise used to receive cash from outstations on behalf of the beneficiaries of various parts of Rajkot and transfer the same cash to the beneficiaries by way of cheques/DDs. Please explain the issue with documentary evidences....."*

17. In response to the notice of the assessing officer, the assessee submitted its reply before the assessing officer, which is placed in the paper book page no. 35 wherein the relevant reply of the assessee is reproduced below:

*"Explanation w.r.t. claim for transaction of Rs. 64.42,090/- with M/s Yash Enterprise (Prop. Chetan Bhalodiya). I have not carried out any transaction with M/s Yash Enterprise (Prop. Chetan Bhalodiya). I was not the beneficiary to any receipt by Shri Chetan Bhalodiya. I have not paid any commission to him."*

18. During the assessment proceedings, the assessing officer has also issued further notice to the assessee to conduct the inquiry. We also note that as pointed out by the Id. Counsel for the assessee, that assessing officer did not have any information regarding the assessee under consideration with the jurisdictional A.O. and jurisdictional A.O. has passed the order in hurry without verifying the facts of the assessee's case. Therefore, the Id. Counsel for the assessee took us through the paper book page no. 33 and stated that the observations of the A.O. clearly states that the jurisdictional A.O. did not have information to reopen the assessee's case. The notings of the order sheet are reproduced below:

*"Notings/Remarks: On going through ITBA Assessment Portal, Insight Portal, E-filing portal, there is no information regarding the investigation against the company M/s. Yash Enterprise. Proprietor Chetan Bhai is available. The details of information were asked to provide from the jurisdictional assessing officer."*

*However, the jurisdictional assessing officer (JAO) has failed to provide the copy of information in which he has relied upon at the time of reopening of the case. Taking into consideration the relevant material available on records, return of Income and submission of the assessee, this assessment order is being passed u/s.143(3)/147 read with section 144B of the Income Tax Act, 1961 on the criteria on which the case was selected for scrutiny and assessed at an amount of Rs.2.33,670/- as per return of income as filed by the assessee in response to the notice w/s.148 of the Act."*

From the above order sheet of the assessing officer, it is vivid that assessing officer has made enough enquiry not from the ITBA portal of income tax department, but from the assessee also. Therefore, we note that in assessee's case under consideration, in fact the inquiry was conducted by the A.O., and assessee submitted relevant documents and evidences and having examined all the relevant documents and evidences, the A.O. took a plausible view, which should not be erroneous and prejudicial to the interest of the Revenue.

19. Therefore, we note that vide assessee's submission dated 05.03.2022, in response to the notice of the Faceless assessing officer dated 17.12.2021, the assessee denied that he had not carried out any transaction with M/s Yash Enterprise (Prop Chetan Bhalodiya) during the year under consideration. In support of denial, the assessee had provided a copy of bank statements, wherein neither the name of any Chetan Bhalodiya or M/s Yash Enterprise was appearing nor any amount of Rs. 64,42,090/- was reflected. Thus, assessee had discharged his onus. Thereafter, the Faceless assessing officer initiated steps to gather the relevant incriminating material on records, however, he could not bring any adverse material on records about the assessee. From the copy of order sheet, it is clear that the Faceless assessing officer made correspondence with the Jurisdictional assessing officer since there was no any information regarding the investigation against M/s. Yash

Enterprise (Prop of Chetan Bhalodiya) available on ITBA Assessment Portal, 360 Portal, Insight Portal and E-filing Portal. After all the efforts, taken by the Faceless AO, he found that the specific documentary evidences have neither available on insight portal nor available with the jurisdictional assessing officer. Finally, the Faceless assessing officer passed the assessment order accepting returned income of the assessee, as he did not have any incriminating material on his records which he can provide to assessee. Therefore, it is not correct to state that the Faceless assessing officer has not made any inquiries. Besides, it is clearly evident from the order sheet that the Faceless assessing officer himself has observed during the course of the assessment proceedings that specific documentary evidences are neither available on the insight portal nor available with the jurisdictional assessing officer. Thus, the proposal of revision u/s 263 in assessee's case results in circumvention/bypassing of the time limit provided u/s 153 of the Act. The same is not permissible in law.

20. Section 263 enables the Id.PCIT to have a look at the orders or proceedings of the lower authorities and to effect a correction, if so needed, particularly, if the order or proceeding is erroneous and prejudicial to the interest of the Revenue. This provision occurs in a taxing statute whose object is to raise revenue for the State and an enabling provision conferring jurisdiction on the Id.PCIT to revise the order of the lower authorities in certain circumstances particularly when it is erroneous and prejudicial subject to certain exceptions. According to us, the present order of AO passed u/s 147r.w.s 144B of the Act, dated 17.12.2021 of the Act cannot be termed as erroneous, since enquiry was, in fact, carried out by him on the

issue on which the Id PCIT has found fault with and has taken a plausible view. Thus, we note that the AO enquired during assessment proceedings and the assessee had filed details before him. So, we find that the AO's action cannot be termed "erroneous". Since not only enquiry was carried out by the AO on the issue under consideration and based on the evidence gathered he has taken a plausible view, which at any rate cannot be called as an un-sustainable view.

21. Let us take the guidance of judicial precedents laid down by the Hon'ble Apex Court in *Malabar Industries Ltd. vs. CIT* [2000] 243 ITR 83(SC) wherein their Lordship have held that twin conditions needs to be satisfied before exercising revisional jurisdiction u/s 263 of the Act by the PCIT. The twin conditions are that the order of the Assessing Officer must be erroneous and so far as prejudicial to the interest of the Revenue. In the following circumstances, the order of the AO can be held to be erroneous order, that is (i) if the Assessing Officer's order was passed on incorrect assumption of fact; or (ii) incorrect application of law; or (iii) Assessing Officer's order is in violation of the principle of natural justice; or (iv) if the order is passed by the Assessing Officer without application of mind; (v) if the AO has not investigated the issue before him; then the order passed by the Assessing Officer can be termed as erroneous order. Coming next to the second limb, which is required to be examined as to whether the actions of the AO can be termed as prejudicial to the interest of Revenue. When this aspect is examined one has to understand what is prejudicial to the interest of the revenue. The Hon'ble Supreme Court in the case of *Malabar Industries* (supra) held that this phrase i.e. "*prejudicial to the interest of the revenue*"

has to be read in conjunction with an erroneous order passed by the Assessing Officer. Their Lordship held that it has to be remembered that every loss of revenue as a consequence of an order of Assessing Officer cannot be treated as prejudicial to the interest of the revenue. When the Assessing Officer adopted one of the courses permissible in law and it has possible and the resulted in loss to the revenue, or where two views are Assessing Officer has taken one view with which the PCIT does not agree, it cannot be treated as an erroneous order prejudicial to the interest of the revenue "**unless the view taken by the Assessing Officer is unsustainable in law**".

22. We note that the Ld. Pr. C.I.T. by invoking his jurisdiction u/s. 263 of the Act is giving another opportunity to the Ld. A.O., which is not permissible. Hon'ble Bombay High Court in the case of Ranka Jewellers vs. Addl. CIT (328 ITR 148) relying on the decisions of Hon'ble Supreme Court in the cases of Malabar Industrial Co. Ltd. vs. CIT (supra) and CIT vs. Max India Ltd. [(2007) 295 ITR 282 (SC)], has held that once the issue was considered by the A.O., the remedy of the revenue could not lie in invoking of the jurisdiction u/s. 263 of the Act. Therefore, the order of the Ld. C.I.T. was definitely outside the purview of section 263 of the Act. As noted above, the exercise aimed at ascertaining the correct income of the assessee has been fulfilled by the Ld. A.O. by exercising his quasi- judicial functions vis-a-vis passing the assessment order u/s.143(3) of the Act. Therefore, certainly it is not a case wherein adequate enquiries at the assessment stage were not carried out or assessment was made in haste. However, what is an opinion formed as a result of these enquiries and verification of the materials is something which is in exclusive domain of the Assessing Officer, and even if Ld. Pr. Commissioner does not agree with the results of such enquiries, the resultant

order cannot be subjected to revision proceedings. For that we rely on the decision of the Coordinate Bench of I.T.A.T., Kolkata in the case of Smt. Juthika Kar vs. ITO [I.T.A. No.1128/Kol/ 2009, dated 16.5.2012 ]. wherein it has been held as under (relevant portion) :-

*"..... However, what is opinion formed as a result of these enquiries is something which is in exclusive domain of the Assessing Officer, and even if Commissioner has such results of enquiries, the resultant order cannot be subjected to revision proceedings. The conclusions arrived at as a result of enquiries cannot be tinkered with in the revision proceedings. The conclusions being drawn up as a result of enquiry is a highly subjective exercise and as to what is appropriate conclusion is something on which perceptions vary from person to persons. These variations in the perceptions of the Assessing Officer vis-a-vis that of the Commissioner, cannot render an order erroneous and prejudicial to the interest of the revenue."*

23. The aforesaid position gets further strength from the decision of Hon'ble High Court in the case of CIT vs. J.L. Morrison (India) Ltd. (2014) 366 ITR 593 (Cal), the relevant finding of which is applicable to the facts of the present assessee is quoted below :

*"85. Whether the assessment order dated March 28, 2008, was passed without application of mind is basically a question of fact. The learned Tribunal has held that the assessment order was not passed without application of mind. The records of the assessment including the order-sheets go to show that heard from time to time. In deciding the question the court has to bear in mind the presumption in law laid down in Section 114 clause (e) of the Evidence Act: "that judicial and official acts have been regularly performed."*

*86. Therefore, the court has to start with the presumption that the assessment order dated March 28, 2008, was regularly passed. There is evidence to show that the Assessing Officer had required the assessee to answer 17 questions and to file documents in regard thereto. If the Assessing Officer cannot be shown to have violated any form prescribed for writing an assessment order, it would not be correct to hold that he acted illegally or without applying his mind." [Emphasis given]"*

24. It is a settled position in law that provisions of section 263 of the Act do not permit substituting one opinion by another opinion. Therefore, the order of the Ld. Pr. C.I.T. cannot be sustained on the principle of 'erroneous' nature of the order of the A.O., as it is not erroneous. Further, in the instant case, to reiterate, there was

no allegation by the Ld. revenue authorities that the evidences produced were fictitious or invented, thus accepted the authenticity of the same. Such an order cannot be called erroneous and prejudicial to interests of revenue only because the A.O. made the assessment without discussing such details therein, as held by the Coordinate Bench of ITAT Kolkata in the case of Chroma Business Ltd. vs. DCIT (2004) 82 TTJ 540 (Cal). Further support in this connection is taken from the decision of Hon'ble Delhi High Court in the case of **CIT vs. Vikas Polymers (2012) 341 ITR 537 (Del)**. Relevant part of the observation in this regard reads as under:

*"This is for the reason that if a query is raised during the course of scrutiny by the Assessing Officer, which was answered to the satisfaction of the Assessing Officer, but neither the query nor the answer was reflected in the assessment order, that would not by itself lead to the conclusion that the order of the Assessing Officer called for interference and revision." [Emphasis supplied]*

25. Further, according to the decision of Coordinate Bench of I.T.A.T., Hyderabad in the case of Manisha Agri Biotech P. Ltd. vs. CIT (2014) 36 ITR (Trib.) 42 -, wherein it was held as follows:

*"The respondent had no different or new material to take a different view from the one taken by the Assessing Officer and the reasons given by him to reopen the assessment and sustain the revision are totally unacceptable. The respondent is not vested with any power under section 263 to initiate proceedings for revision in every case and start re-examination and fresh enquiries in matters which have already been concluded under the law."*

26. Based on the above discussion on assessee's facts as well as on various precedents applicable to assessee's facts, we are of the view that revisionary jurisdiction exercised by the Ld. Pr. C.I.T. u/s. 263 of the Act was not in tune with the facts and evidences on record duly explained to the Ld. A.O. and verified by him and that being so the order passed u/s. 263 of the Act on such erroneous stand is liable to be quashed. Therefore, based on these facts and precedents narrated above, we quash the order of Ld. PCIT u/s 263 of the Act.

27. Since we have adjudicated the issue by taking the lead case in ITA the assessee, in other appeals, namely, in ITA Nos. 275 and 276/RJT/2024, are No.274/RJT/2024, for assessment year 2013-14. the facts and grounds raised by No.274/RJT/2024, for assessment year 2013-14, shall apply mutatis mutandis to similar and identical. Accordingly. our the aforesaid other appeals of the assessee also. observations made in ITA

28. In the combined result, these three appeals filed by the assessee (in ITA Nos.274, 275 and 276/RJT/2024), are allowed.

Order pronounced in the open court on 29-10-2025

Sd/-  
**(DINESH MOHAN SINHA)**  
JUDICIAL MEMBER

Sd/-  
**(Dr. A. L. SAINI)**  
ACCOUNTANT MEMBER

Rajkot

Dated: 29/10/2025

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Rajkot
6. Guard file.

By order/आदेश से,

Assistant Registrar  
ITAT, Rajkot