

**IN THE INCOME TAX APPELLATE TRIBUNAL, DELHI 'B' BENCH,  
NEW DELHI**

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

ITA No. 299/DEL/2025 [A.Y. 2017-18]

Sandeep Gupta  
C-602, Second Floor,  
Gali No. 13, Adarsh Nagar  
Delhi

Vs.

The I.T.O  
Ward - 36(1)  
New Delhi

PAN - AXHPS 1807 R

(Applicant)

(Respondent)

Assessee By : Ms. Agni Choudhary, Adv  
Shri Raghav Sharma, CA

Department By : Shri Rajesh Kumar Dhanesta, Sr. DR

**Date of Hearing : 03.09.2025**  
**Date of Pronouncement : 07.10.2025**

**ORDER**

**PER NAVEEN CHANDRA, A.M:-**

This appeal by the assessee is preferred against the order of the  
NFAC, Delhi dated 12.07.2024 for A.Y 2017-18.

2. At the very outset, the ld. counsel for the assessee vehemently submitted that the issue raised in this appeal is covered by the decision of the Hon'ble Supreme Court in the case of *Rajeev Bansal* 167 taxmann.com 70.

3. Brief facts of the case are that Notice u/s 148 of the Income-tax Act, 1961 [the Act, for short] was issued under the unamended Act to the assessee on 24.06.2021. Thereafter, in view of the Hon'ble Supreme Court in the case of Union of India Vs. *Ashish Agarwal* reported in 444 ITR 1 (SC) dated 04.05.2022, the ld AO issued letter u/s 148A(b) of the Act on 24.05.2022. The assessee filed its reply on 07.06.2022. The Assessing Officer passed an order u/s 148A(d) of the Act on 29.07.2022 rejecting the objections of the assessee and proceeded to issue notice u/s 148 of the Act on 30.07.2022. The bone of contention is whether the subsequent notice issued u/s 148 of the Act on 30.07.2022 is to be treated as legal or not in the light of decision of Hon'ble Supreme Court in the case of *Union of India Vs. Rajeev Bansal* reported in 469 ITR 46 (SC).

4. The ld. counsel for the assessee vehemently contended that the notice u/s 148 of the Act dated 30.07.2022 would have to be compliant with the new regime of reassessment as explained by the Hon'ble Supreme Court in the case of *Rajeev Bansal* 167 taxmann.com 70. The

ld. counsel for the assessee submitted that fresh notice u/s 148 of the Act could have been issued only with the prior approval of the specified authority as per section 151 of the Act which in the case of the assessee is PCCIT/PDGIT or CCIT. As, in the instant case, the approval is from PCIT, hence the notice u/s 148 is not in accordance with law. The ld AR placed reliance on the following decisions:

- i) ACIT Vs. Ramchand Tahkurdas Jhamtani 173 taxmann.com 182
- ii) Ramesh Bachulal Mehta Vs. ITO 177 taxmann.com 606
- iii) Rahat Mohd. Riyazuddin Shaikh Vs. ITO 175 taxmann.com 149
- iv) ACIT Vs. Surya Ferrous Alloys [P] ltd 169 taxmann.com 736

6. The ld. DR, on the other hand, relied on the orders of the authorities below.

7. We have heard the rival submissions and have perused the relevant material on record. We find that the admitted facts are that the original notice u/s 148 was issued under the amended Act to the assessee on 24.06.2021. Thereafter, in pursuant to the decision of the hon'ble Supreme Court in the case of *Ashish Agarwal* (2023) 01 SCC 617, the Assessing Officer passed an order u/s 148A(d) of the Act on 29.07.2022 and issued a notice u/s 148 of the Act on 30.07.2022 after taking prior approval of PCIT u/s 151 of the Act. The decision of Hon'ble Supreme Court in the case of *Union of India Vs. Rajeev Bansal* reported in 469

ITR 46 (SC) states once the notice u/s 148 is issued under the amended new regime introduced by the Finance Act 2021 w.e.f. 01.04.2021, the AO has to follow the process of obtaining the prior approval of specified authority as per section 151(ii) of the new regime, which in the case of instant assessee is PCCIT/PDGIT or CCIT. We are therefore of the considered view that there is violation of the provision of section 151(ii) of the Act in issuance of notice u/s 148.

8. We find that the hon'ble Bombay High Court in the case of **Ramesh Bachulal Mehta Vs. ITO** 177 taxmann.com 606 have held that notice u/s 148 in violation of the provisions of section 151(ii) is bad in law and is required to be quashed. Respectfully following the above decision, we hold that the notice issued u/s 148 dated 30.07.2022 for A.Y. 2017-18 in the instant case, is in violation of section 151(ii) and the same is, therefore, liable to be quashed. In light of the above, we also quash the reassessment order emanating out of such notice u/s 148 of the Act. Since the notice u/s 148 is quashed, no separate adjudication is made on other grounds. Further, as the assessment order has been quashed, all the issues raised by the assessee in his appeal, which deal with the merits of the case become academic and infructuous and require no separate adjudication. Grounds of appeal are allowed.

9. In the result, the appeal of the assessee in ITA No. 299/DEL/2025 is allowed.

The order is pronounced in the open court on 07.11.2025.

Sd/-  
[MADHUMITA ROY]  
JUDICIAL MEMBER

Sd/-  
[NAVEEN CHANDRA]  
ACCOUNTANT MEMBER

Dated: 07<sup>th</sup> November, 2025.

VL/

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar,  
ITAT, New Delhi

Sl No.	PARTICULARS	DATES
1.	<i>Date of dictation of Tribunal Order</i>	
2.	<i>Date on which the typed draft order is placed before the Dictating Member</i>	
3.	<i>Date on which the typed draft order is placed before the other Member [in case of DB]</i>	
4.	<i>Date on which the approved draft order comes to the Sr. P.S./P.S.</i>	
5.	<i>Date on which the fair Order is placed before the Dictating Member for sign</i>	
6.	<i>Date on which the fair order is placed before the other Member for sign [in case of DB]</i>	
7.	<i>Date on which the Order comes back to the Sr. P.S./P.S for uploading on ITAT website</i>	
8.	<i>Date of uploading, inf not, reason for not uploading</i>	
9.	<i>Date on which the file goes to the Bench Clerk</i>	
10.	<i>Date on which the file goes for Xerox</i>	
11.	<i>Date on which the file goes for endorsement</i>	
12.	<i>The date on which the file goes to the Superintendent for checking</i>	
13.	<i>Date on which the file goes to the Assistant Registrar for signature on the order</i>	
14.	<i>Date on which the file goes to the dispatch section for dispatch the Tribunal order</i>	
15.	<i>Date of Dispatch of the Order</i>	
16.	<i>Date on which the file goes to the Record Room after dispatch the order</i>	