

**IN THE INCOME TAX APPELLATE TRIBUNAL “D” BENCH, KOLKATA**

**SHRI RAJESH KUMAR, ACCOUNTANT MEMBER  
SHRI PRADIP KUMAR CHOUBEY, JUDICIAL MEMBER**

**I.T.A. No.1584/Kol/2025  
(Assessment Year 2015-16)**

**Roy Banerjee Development Private Limited,**

1B, Malanga Lane,

Kolkata - 700012

[PAN: AADCR3483N]

.....**Appellant**

**vs.**

**ITO Ward 1(1), Kolkata,**

Aayakar Bhawan, P-7,

Chowringhee Square,

Kolkata - 700069

..... **Respondent**

**Appearances by:**

Assessee represented by : Soumitra Choudhury, Advocate

Department represented by : S.B. Chakraborty, Addl. CIT, Sr. DR

Date of concluding the hearing : 01.12.2025

Date of pronouncing the order : 23.12.2025

**ORDER**

**Per Rajesh Kumar, AM**

The present appeal filed by the revenue arises from order dated 31.07.2024 passed u/s 250 of the Income Tax Act, 1961 (hereafter “the Act”) by the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [hereafter “the Ld. CIT(A)].

2. The only issue raised by the Counsel of the assessee is in respect of A.Y. 2015-16, being time barred by limitation in consonance with the decision of the Hon'ble Apex Court in the case of Union of India and other Vs. Rajeev Bansal [2024] 469 ITR 46 (SC), dated 03.10.2024.

3. The facts in brief are that the assessee filed the return of income on 08.01.2016, declaring total loss at ₹89,590/-. The case of the assessee

was reopened u/s 147 of the Act after the ld. AO received information that assessee received accommodation entry amounting to ₹52,50,672/-. The notice u/s 148 of the Act was issued on 26.07.2022 after following the procedure laid down by issuing show cause under Section 148A(b) but there was no compliance but subsequently, after the decision of Hon'ble Apex court in the civil appeal No. 3005/2022 in case of Union of India &Ors. Vs. Ashish Agarwal (2022 SCC Online SC 543) vide order dated 04.05.2022, in pursuance of subsequent instruction No.1/2022 dated 11/05/2022 by CBDT, JAO initiated the proceedings u/s 148 of the Income-tax Act, 1961 (the Act) by issuing notice u/s 148 of the Act on 26.07.2022 under the new regime. Accordingly, the assessment was framed which was also affirmed by ld CIT(A).

4. After hearing the rival contentions and perusing the materials available on record, we find that the appeal is barred by limitation as has been held by the Hon'ble Apex court in the case of Rajeev Bansal (supra). The co-ordinate Bench in the case of M/s Kothari Metals Ltd. Vs. DCIT in ITA No. 2138/Kol/2024 vide order dated 19<sup>th</sup> March, 2025, has decided the appeal having similar issue in favour of the assessee. Respectfully, following the same, we allow the appeal of the assessee. The notice u/s 148 of the Act and the consequent assessment framed are quashed as barred by limitation. The appeal of the assessee is allowed.

5. In result, appeal of the assessee is allowed.

Order pronounced on 23.12.2025

**Sd/-**  
**(Pradip Kumar Choubey)**  
**Judicial Member**

**Sd/-**  
**(Rajesh Kumar)**  
**Accountant Member**

Dated: 23.12.2025  
AK, Sr. P.S.

*Copy of the order forwarded to:*

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

//True copy//

By order

Assistant Registrar, Kolkata Benches