

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

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

AND

SHRI AMITABH SHUKLA, ACCOUNTNAT MEMBER

ITA Nos.1046 & 1050/DEL/2025

[Assessment Year: 2008-09]

Prestigious Enterprises Private Limited, Shop No.UGF 17B, Wedding Souk, Plot No.1, Local Shopping Centre, Sharda Niketan, Pitampura, Delhi-110034	Vs	Asst. Commissioner of Income Tax, Central Circle-18, E-2, ARA Centre, Jhandewalan Extn. Delhi-110055
PAN-AADCS7613K		
Assessee		Revenue

Assessee by	None
Revenue by	Ms. Ankush Kalra, Sr. DR

Date of Hearing	06.01.2026
Date of Pronouncement	06.01.2026

ORDER

PER AMITABH SHUKLA, AM,

These two appeals filed by the assessee are against orders dated 22.06.2023 and 04.07.2023 of learned Commissioner of Income Tax (Appeals)-27, New Delhi, [hereinafter referred to as 'ld. CIT(A)] arising out of assessment orders dated 18.03.2016 passed u/s 144 r.w.s. 147 and dated 16.09.2016 passed under section 271(1)(c) of the Income Tax Act, 1961 pertaining to Assessment Year 2008-09. The word 'Act' herein this order would mean Income Tax Act,

1961. Both the appeals for the purposes of convenience were heard together and are being disposed of by this common order.

2. The assessee was called absent in this case.

3. Aggrieved by the decision of Id. CIT(A) in dismissing its appeals qua orders u/s 144 r.w.s. 147 and under section 271(1)(c), the assessee has raised the following grounds of appeal:-

ITA No.1046/Del/2025

1. The Hon'ble Commissioner of Income Tax (A)-27, New Delhi, failed to appreciate the fact that the company A.R Developer Pvt. Ltd was not in existence at the time when notice u/s 147/148 of the income tax act 1961 was issued in its name.

2. That the impugned Appeal Order is bad in law, illegal, and in violation of rudimentary principal of contemporary jurisprudence.

3. That the Hon'ble Commissioner of Income Tax (A) -27, New Delhi has erred in confirming the action with regard to reopening of Assessment u/s 147/148 and as such, proceeding u/s 147/148 is bad in law.

4. The Hon'ble Commissioner of Income Tax (A)- 27, New Delhi, has erred in law and on facts in dismissing the appeal against the order of assessing officer and confirming the addition of Rs. 39,37,70,000/- U/s 68 of the income tax Act 1961, which was received as advance against property.

5. That the Hon'ble Commissioner of Income Tax (A) - 27, New Delhi, has not followed the law of natural justice while confirming the Order U/s 144 of the Income Tax Act, 1961 passed by the Learned Assessing Officer without giving proper show cause notice and providing due opportunity to the appellant.

ITA No.1050Del/2025

1. *The Hon'ble Commissioner of Income Tax (A)-27, New Delhi, failed to appreciate the fact that the company A.R Developer Pvt. Ltd was not in existence at the time when notice u/s 271(1)(c) of the income tax act 1961 was issued.*

2. *That the impugned Appeal Order is bad in law, illegal, and in violation of rudimentary principal of contemporary jurisprudence.*

3. *The Hon'ble Commissioner of Income Tax (A) - 27, New Delhi, has erred in law and on facts in dismissing the appeal against the order of assessing officer and confirming the penalty u/s of Rs.13,38,42,423/-on concealment of income of 39,37,70,000/- U/s 68 of the income tax Act 1961, which was received as advance against for property.*

4. *That the Hon'ble Commissioner of Income Tax (A) - 27, New Delhi, has not followed the law of natural justice while confirming the Order u/s 271(1)(c) of the Income Tax Act, 1961 passed by the Learned Assessing Officer without giving proper show cause notice and providing due opportunity to the appellant.*

4. At the outset, we have noted that there was a delay of about three years and 2.5 years in filing appeals qua orders u/s 144 r.w.s. 147 and under section 271(1)(c) before the Id. CIT(A). The final paras in both the appellate orders indicate that the Id. CIT(A) has proceeded to dismiss the appeal without condoning the delay in filing of the appeals. We have also noted that the Id. CIT(A) has given his findings on merits in the preceding parts of both the appellate orders. The approach thus adopted by Id. First Appellate Authority is not conformity with the judicial discipline. It is a matter of records that the assessment and the penalty proceedings were also concluded ex-parte on account of non-compliance by the assessee. Once the appeals were to be dismissed on their being filed late, no discussion on merits was maintainable.

5. Accordingly, in the interest of justice, we deem it appropriate to restore the twin appeals to the file of the Id. CIT(A) for re-adjudication de novo after giving due opportunities of being heard to the assessee. The assessee shall be at liberty to produce all the evidences deemed necessary in support of its defence. The Id. CIT(A) shall be required to conclude the twin proceedings within six months of the passing of this order. Any non-compliance at the end of the assessee may be adversely viewed. Accordingly, all the grounds of appeals raised by the assessee in ITA No.1046/Del/2025 and ITA No.1050/Del/2025 are allowed for statistical purposes.

6. In the result, both the appeals of the assessee are allowed for statistical purposes.

Order pronounced in the open court on 06th January, 2026.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Dated: 12.01.2026

Shekhar

Copy forwarded to:

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

Sd/-
[AMITABH SHUKLA]
ACCOUNTANT MEMBER

Asst. Registrar,
ITAT, New Delhi,