

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

**BEFORE SHRI C.N. PRASAD, JUDICIAL MEMBER
AND
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER**

**ITA No.3393/Del/2025
[Assessment Year: 2015-16]**

Parmod Kumar, B-10, Vinoba Kunj, Sector- 9, Rohini, Naharpur, North West Delhi-110085 PAN No. AEQPK9723A	Vs.	Central Circle 18 Delhi
Appellant		Respondent

Assessee by	Sh. Vivek Kumar, CA
Revenue by	Ms. Ankush Kalra, Sr. DR

Date of Hearing	20.11.2025
Date of Pronouncement	14.01.2026

ORDER

PER C.N. PRASAD, JM,

This appeal is filed by the assessee against the order of the Ld. Commissioner of Income Tax (Appeals)-27, New Delhi vide order dated 31.01.2025 for the A.Y. 2015-16.

2. The Ld. Counsel for the assessee at the outset submitted that proceedings initiated under notice dated 27.04.2022 u/s.148 of the Act for the A.Y.2015-16 are time barred as per section 149(1)(a) of the Act. The Ld. Counsel for the assessee referring to the decision of the Hon'ble Supreme court in the

case of Union of India and Others Vs. Rajeev Bansal [469 ITR 46] submitted that as a matter of fact the revenue conceded that for the A.Y. 2015-16 all notices issued on or after 01.04.2021 will have to be dropped as they will not fall for completion during the period prescribed under Taxation and other laws (Realizations and Amendment of Certain provision) Act 2010.

3. The Ld. Counsel for the assessee, therefore, submitted that the notice dated 27.04.2022 which was validated by virtue of the decision of the Hon'ble Supreme Court in the case of Union of India and others Vs. Ashish Agarwal cannot survive since the TOLA provision do not apply for the A.Y.2015-16. We find force in the submissions of the Ld. Counsel for the assessee. Since, the revenue has conceded that for the A.Y.2015-16, all notices issued on or after 01.04.2021 will have to be dropped the notice issued in the present case dated 27.04.2022 which was issued after 01.04.2021 and was validated by the virtue of the decision of the Hon'ble Supreme Court in the case of Ashish Agarwal, the proceedings fall for completion. Thus, we hold that the notice dated 27.04.2022 issued u/s.148 of the Act is barred by limitation and consequently the assessment made pursuant to such notice is void ab initio and the same is quashed.

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

Order pronounced in the open court on 14.01.2026.

Sd/-

[NAVEEN CHANDRA]
ACCOUNTANT MEMBER

Dated:14.01.2026

*NEHA, Sr. P.O.**

Copy forwarded to:

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

Sd/-

[C.N. PRASAD]
JUDICIAL MEMBER

Asst. Registrar,
ITAT, New Delhi