

Act, date of orders 20/03/2023 and 21/03/2023 for assessment years 2015-16 and 2018-19.

2. Since all the appeals pertain to the same assessee, involving similar issues arising out of a similar factual matrix, these appeals were heard together as a matter of convenience and are being decided by way of this consolidated order. With the consent of the parties, the appeal for the assessment year 2015-16 is treated as a lead case, and the decision rendered therein shall apply mutatis mutandis to other appeal for AY 2018-19 before us.

ITA No.4071/Mum/2025, A.Y. 2015-16

3. The assessee has taken the following grounds:

“1. On the facts and circumstances of the case and in law the Ld. CIT(A), NFAC, erred in not accepting the contention of the appellant that the notice issued under section 148 dated 31.03.2022 and consequent process of re-opening of the assessment is invalid inasmuch as:

a. The said notice is unsigned and is not in accordance with the provisions of Section 282A and Rule 127.

b. There being no power to the JAO to issue notice u/s 148 in terms of Circular No.18/2022 dated 29.03.2022 the notice so issued is invalid.”

4. The registry informed that both the appeals have been filed with a delay. The Ld. AR stated that for A.Y. 2015-16 the appeal was filed delay for 111 days and for 2018-19 the appeal was filed for 145 days. The assessee filed notarized affidavit duly executed by the assessee himself dated 09.06.2025. The Ld. DR had not made any strong objection for condoning the delay for both the appeals. Accordingly, we find that there is a sufficient cause for condoning the delay for


both the appeals. Hence, the delay for both the appeals is condoned and the appeals are taken for adjudication.

5. The brief facts of the case are that the assessment proceedings were initiated under section 148A of the Act pursuant to the Risk Management Strategy formulated by the CBDT. Thereafter, the Ld. AO completed the proceedings under section 148 of the Act on the basis of information available under the said Risk Management Strategy, relating to the purchase of an immovable property for a consideration of Rs.1,52,76,500/- and receipt of interest income amounting to Rs.42,754/- from the State Bank of India. Notices were issued, and ultimately both the amounts were added to the total income of the assessee. The Ld. AO passed an ex parte assessment order due to non-compliance on the part of the assessee. Aggrieved by the said order, the assessee preferred an appeal before the Ld. CIT(A), challenging the assessment both on legal grounds as well as on merits. The Ld. CIT(A), after passing a speaking order and by exercising powers under section 251(1)(a) of the Act, set aside the impugned assessment order and restored the matter to the file of the Ld. AO, as the assessment had been framed ex parte under section 144 of the Act. The assessee, still aggrieved, filed an appeal before the ITAT, challenging the validity of the notice issued by the Ld. AO under section 148 of the Act on legal grounds.

6. The Ld. AR advanced arguments and filed a paper book comprising **pages 1 to 111**, which has been placed on record. The Ld. AR first invited our attention to the impugned appellate order, and the relevant extracts appearing at pages 11 to 13 thereof are reproduced below:—

“ADDITIONAL GROUND:**1. NOTICE U/S 148 IS UNSIGNED.**

Following is the extract of the notice issued to the appellant by the AO u/s 148.

|  GOVERNMENT OF INDIA MINISTRY OF FINANCE INCOME TAX DEPARTMENT OFFICE OF THE INCOME TAX OFFICER WARD-1, RATNAGIRI | | | |
|--|-------------------------|-----------------------------|---|
| To, HASHMAT BEGAM ISHAQUE PARKAR FURUS KHED , RATNAGIRI 415710 , Maharashtra India | | | |
| PAN: AXOPP1815H | A.Y.: 2015-16 | Dated: 31/03/2022 | DIN & Notice No.: ITSA/AST/S/148 -1/2021- 22/1042346955(1) |
| Notice under section 148 of the Income-tax Act,1961 | | | |
| Sir/Madam/ M/s. | | | |
| <ul style="list-style-type: none"> • I have the following information in your case or in the case of the person in respect of which you are assessable under the Income tax Act, 1961(here in after referred to as "the Act") for Assessment Year 2015-16 <ul style="list-style-type: none"> • information flagged by the risk management strategy formulated in this regard suggesting that income chargeable to tax has escaped assessment within the meaning of section 147 of the Act. Order under sub-section (d) of section 148A of the Act has been passed in such case vide DIN ITSA/AST/S/148A/2021-22/1042272737(1) dated 31/03/2022 and annexed herewith for reference. 2. I, therefore, propose to assess or reassess such income or recompute the loss or the depreciation allowance or any other allowance or deduction for the Assessment Year 2015-16 and I, hereby, require you to furnish, within 30 days from service of this notice, a return in the prescribed form of the Assessment Year 2015-16. 3. This notice is being issued after obtaining the prior approval of the PCCIT, PUNE accorded on date 30/03/2022 vide Reference No. 100000029046576. | | | |
| AJAY KUMAR MEENA WARD-1, RATNAGIRI | | | |

It is the submission of the appellant that the above notice issued u/s 148 is invalid since the same is unsigned. Provisions of Section 282A are as under:

Authentication of notices and other documents.

282A. (1) Where this Act requires a notice or other document to be issued by any income-tax authority, such notice or other document shall be signed and issued in paper form or communicated in electronic form by that authority in accordance with such procedure as may be prescribed 40

(2) Every notice or other document to be issued, served or given for the purposes of this Act by any income-tax authority, shall be deemed to be authenticated if the name and

office of a designated income-tax authority is printed, stamped or otherwise written thereon.

(3) For the purposes of this section, a designated income-tax authority shall mean any income-tax authority authorised by the Board to issue, serve or give such notice or other document after authentication in the manner as provided in sub-section (2).

The mandate of Section 282A having not been followed while issuing the notice u/s 148 the same is invalid.

Reliance is placed on the decision of the Bombay High Court in the case of Prakash KrishnaraoBharadwaj (Copy enclosed) where in the High Court, in connection with unsigned notice u/s 148, has held that such unsigned notice, either physically or digitally invalid.”

7. The Ld. AR contended that it is an admitted fact that the Ld. AO issued the notice without affixing his signature thereon. Consequently, the Ld. AO lacked jurisdiction to complete the assessment on the basis of such an invalid notice. This issue was duly raised before the Ld. CIT(A), and the assessee specifically agitated the same by filing an “Additional Ground” of appeal. The Ld. CIT(A) adjudicated the said additional ground; however, ultimately, the assessment order was set aside solely on the ground that it had been passed ex parte.

8. It was further argued that the Ld. CIT(A) erred in exercising jurisdiction by setting aside the assessment and remanding the matter to the file of the Ld. AO without adjudicating the legal grounds, which were specifically raised before him. The Ld. AR submitted that the said issue has already been decided in favour of the assessee by the Coordinate Bench of the ITAT, Mumbai. In support of this contention, the Ld. AR placed reliance on the order of the Coordinate Bench of the ITAT, Mumbai ‘G’ Bench, in the case of Shivi **Mukesh Kumar vs. ACIT, ITA No. 5293/Mum/2025**, pronounced on **17.12.2025**, wherein the relevant observations contained in paragraph 11 are reproduced below:—

“11. Even in ground no. 2(j), taken before the first appellate authority, the assessee has specifically challenged the validity of the reassessment proceeding due to lack of proper sanction. Thus, not only the facts relating to issuance of notice u/s. 148 of the Act after expiry of three years from the end of the assessment year was available before the first appellate authority, but the assessee has also raised a specific ground on the issue. Unfortunately, the first appellate authority has completely overlooked the grounds raised by the assessee on legal and jurisdictional issues and proceeded to decide the appeal on merits, that too, through a cryptic and non-speaking order. When the assessee has raised a specific ground challenging the validity of the assessment order on account of inappropriate sanction and facts relating to such issue were available before the first appellate authority, it was his duty to decide the ground. For the failure on the part of the first appellate authority in discharging his statutory duty, the assessee cannot be punished by relegating him again to the first appellate authority. In any case of the matter, since, the issue is squarely covered by the decision of Hon'ble Jurisdictional High Court, we are inclined to decide the issue based on the factual position available on record. Since the facts on record clearly indicate that before issuance of notice u/s. 148 of the Act, the A.O. had obtained sanction of PCIT instead of PCCIT in terms with section 151(ii) of the Act, not only the issuance of notice u/s. 148 of the Act is vitiated, but all consequential proceedings in pursuance thereof are also vitiated. Accordingly, we quash the impugned assessment order. Hence, this ground is allowed. In view of our decision above, all other grounds having become academic for the purpose of the present appeal do not require adjudication, hence, kept open.”

9. The Ld. AR contended that the issuance of unsigned notice is invalid and vitiated the entire proceeding. The issue was duly considered by the Hon'ble Jurisdictional High Court in the case of **Prakash Krishnavtar Bhardwaj vs. ITO, WP no.9835 of 2022** pronouncement on 09.01.2023 the relevant paragraph 19 to 21 is reproduced as below:

“19. Applying the ratio of the judgment of the Calcutta High Court in B.K. Gooyee and Aparna Agency (P) Ltd. (supra) to the facts of the present case, the signature of the Assessing Officer admittedly not having been affixed on the notice issued u/s.148 of the Act, the notice itself would be invalid and consequently, the Assessing Officer could not assume jurisdiction to proceed in the matter in terms of section 148 of the Act. The Madhya Pradesh High Court in Umashankar Mishra (supra) has dealt with a similar fact situation where the first substantial question of law dealt with in that case had considered the effect of whether an unsigned notice

can be considered as an irregularity or clerical mistake. The Madhya Pradesh High Court after making reference to the conclusions drawn in B.K.Gooyee (supra) by the Calcutta High Court, has taken the view, that a notice without a signature affixed on it is an invalid notice and is effectively no notice in the eyes of law.

20. The Madhya Pradesh High Court in Umashankar (supra) has further dealt with the second substantial question of law as to whether the Tribunal was right in holding that the absence of a signature on the notice constitutes a mistake or omission within the meaning of section 292B of the Act and while addressing itself to that question, has concluded that in the absence of a signature on the notice, the same would not constitute a mistake or omission and would not be curable under the provisions of section 2928 of the Act.

21. We are, therefore, of the considered opinion that in the present case, the notice u/s.148 dated 02.04.2022 having no signature affixed on it, digitally or manually, the same is invalid and would not vest the Assessing Officer with any further jurisdiction to proceed to reassess the income of the petitioner. Consequently, the notice dated 02.04.2022 u/s.148 of the Act issued to the petitioner being invalid and sought to be issued after three years from the end of the relevant assessment year 2015-16 with which we are concerned in this petition, any steps taken by the respondents in furtherance of notice dated 21.03.2022 issued under clause (b) of section 148A of the Act and order dated 02.04.2022 issued under clause (d) of section 148A of the Act, would be without jurisdiction, and therefore, arbitrary and contrary to Article 14 of the Constitution of India. Consequently, we quash and set aside the notice dated 02.04.2022 issued by the respondents u/s.148 of the Act, order dated 02.04.2022 under clause (b) of section 148A of the Act and notice dated 21.03.2022 issued under clause (b) of section 148A of the Act.”

10. The same view was duly taken by the Hon'ble Allahabad High Court in the case of **Vikas Gupta vs. UOI** reported in **[2022] 142 taxmann.com 253 [Allahabad]** the relevant **para 12** and **13** is reproduced as below:

“12. Annexure-4 to the writ petition is the alleged approval, under section 151 of the Act, 1961 for the Assessment Year 2013-14 which was granted by the PCIT on 31-3-2021 at 7:05 P.M. Le. 19:05 hours by digitally signing the approval. Notice under section 148 of the Income-tax Act, 1961 was digitally signed by the respondent no. 3 on 31-3-2021 at 5:43 P.M. Le. 17:43 hours, which is prior to the satisfaction recorded by the PCIT. Section 151 of the Act, 1961 as stood at the relevant time provides that no notice shall be issued under section 148 of the Act by Assessing Officer after expiry of period of 4 years from the end of assessment year unless

Principal Chief Commissioner or Chief Commissioner or Principal Commissioner or Commissioner is satisfied, on the reason recorded by the assessing officer that it is a fit case for issuing such notice.

13. Thus, as per provision of section 151 of the Income-tax Act, 1961, an assessing officer gets jurisdiction to issue notice to an assessee under section 148 of the Act, 1961 after Principal Chief Commissioner or Chief Commissioner or Principal Commissioner or Commissioner of Income-tax is satisfied on the reason recorded by the assessing officer that it is a fit case for issuing such notice. The date and time of the approval granted digitally under section 151 of the Act and the date and time of the notice under section 148 of the Act, shows that the satisfaction was recorded by the PCIT digitally after the notice under section 148 was digitally signed and issued by the Assessing Officer."

11. The Ld. DR argued and placed on record the report dated 08.10.2025, duly signed by the Ld. ITO-17(3)(1), Mumbai, in connection with the issuance of the notice under section 148 of the Act without affixing the signature. The relevant extract of the said report, as contained in paragraph 4.1 thereof, is reproduced below:—

"4.1 In reference to Ground No. 2 of the petition regarding issue of notice u/s.148 of the Act being unsigned, it is submitted that the notice u/s.148 of the Act has been generated and communicated to the assessee through the office email address of the JAO and the name of the JAO is clearly mentioned in the notice. Since, it is a digitally generated document, emailed to the assessee through the office email address of the JAO and carrying the name of JAO mentioned in the notice, the plea of the assessee, that the notice is unsigned is incorrect.

Secondly, as per the provisions of section 292B of the Act, which reads as follows:

"No return of income, assessment, notice, summons or other proceedings, furnished or made or issued or taken or purported to have been furnished or made or issued or taken in pursuance of any of the provisions of this Act, shall be invalid or shall be deemed to be invalid merely by reason of any mistake, defect or omission in such return of income, assessment, notice, summons or other proceeding, if such return of income, assessment, notice, summons or other proceedings is in substance and effect in conformity with or according to the intent and purpose of this Act."

12. The Ld. DR fairly accepted that the notice was issued without a signature; however, he submitted that the same was generated through the system and served through official email. According to him, this amounted to only a nominal and curable defect on the part of the Ld. AO. He, therefore, prayed that the matter be set aside to the file of the Ld. AO and that the impugned appellate order be upheld.

13. We have heard the rival submissions and carefully considered the material available on record. We find that the assessment was completed under section 147 of the Act pursuant to the issuance of notice under section 148 of the Act. It is an admitted factual position that the notice issued under section 148 was unsigned. Section 282A of the Act specifically mandates that a notice must be both “signed and issued.” It is also noted that the assessment was completed ex parte, and therefore, in terms of section 251(1)(a) of the Act, the Ld. CIT(A) was empowered to set aside the impugned assessment order and restore the matter to the file of the Ld. AO. However, in the present case, we find that although the Ld. CIT(A) discussed the legal issue in the impugned appellate order, he failed to adjudicate the same. In view of the decision of the Coordinate Bench of the ITAT, Mumbai, in the case of **Shivi Mukesh Kumar** (supra), we hold that the Ld. CIT(A) cannot simply set aside the assessment without adjudicating the legal grounds raised before him. The Coordinate Bench has categorically held that even where the assessment order is passed ex parte, the legal issues are required to be decided by the Ld. CIT(A).

Considering the legal issue relating to the issuance of a defective notice under section 148 of the Act, we are of the view that such a notice is invalid and vitiates

the entire assessment proceedings. Respectfully following the judgments of the Hon'ble jurisdictional High Court in the case of **Prakash Krishnavtar Bhardwaj** (supra) and the Hon'ble Allahabad High Court in the case of **Vikas Gupta** (supra), we hold that a notice issued without the signature of the Ld. AO vitiates the entire proceedings. Accordingly, the assessment framed by the Ld. AO is without jurisdiction.

In view of the above, we set aside the impugned appellate order and impugned assessment order is quashed. We allow Ground No. 1(a) raised by the assessee. Ground No. 1(b), being a legal ground, survives only for academic purposes and is, therefore, kept open.

14. In the result, the appeal of the assessee bearing **ITA No. 3973 & 4071/Mum/2025** are allowed.

Order pronounced in the open court on 14th day of January, 2026.

Sd/-

(PRABHASH SHANKAR)
ACCOUNTANT MEMBER
Mumbai, दिनांक/Dated: 14/01/2026
Saumya

Sd/-

(ANIKESH BANERJEE)
JUDICIAL MEMBER

Copy of the Order forwarded to:

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त CIT
4. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,
Mumbai
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BY ORDER,

(Asstt. Registrar), **ITAT, MUMBAI**