

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "B", MUMBAI

BEFORE SHRI ANIKESH BANERJEE, JUDICIAL MEMBER AND
SHRI MAKARAND VASANT MAHADEOKAR, ACCOUNTANT MEMBER

ITA No.7529/Mum/2025
(Assessment year: 2015-16)

Nikhil Raghuvir Kshirsagar 404, Neelesh Society, Vidyalaya Marg, Mulund East, Mumbai-400081 PAN:AYKPK2549N	vs	Int Tax Ward 3(1)(1), Mumbai Kautilya Bhavan, Bandra Kurla Complex, Bandra (East), Mumbai- 400051
APPELLANT		RESPONDENT

Assessee by : Shri Dharan Gandhi, Adv., & Ms. Vinita Nara, Adv.
Respondent by : Shri Layaqat Ali Aafaqui, SR DR

Date of hearing : 28/01/2026
Date of pronouncement : 30/01/2026

ORDER

Per: Anikesh Banerjee (JM):

The instant appeal of the assessee filed against the order of the Ld. Commissioner of Income Tax (Appeal) 57 (for brevity 'the Id. CIT(A), order passed under section 250 of the Income Tax Act 1961 (for brevity 'the Act') for assessment year 2015-16, date of order 12.11.2025. The impugned order emanated from the order of the Assessment Unit, Income-tax Department (for

brevity the "Ld. AO"), order passed under section 147 r.w.s. 144 r.w.s. 144B of the Act, date of order 06.10.2023.

2. The brief facts of the case are that the assessee in non-filer of the income tax return for assessment year 2015-16. Subsequently proceeding u/sec. 147 was initiated and notice u/sec. 148 was duly issued. None was present before the Ld. AO during the assessment proceeding and the Ld. AO added back amount of Rs.1,14,00,000/- as unexplained investment u/sec. 69C of the Act. Aggrieved assessee filed an appeal before the Ld. CIT(A). The Ld. CIT(A) passed an order and uphold the impugned assessment order. Being aggrieved assessee filed an appeal before us.

3. The Ld. AR initiated the argument against the jurisdiction of the Ld. AO of issuance of notice u/sec. 148 related to assessment year 2015-16. The date of issuance of notice U/s 148 is on 15.04.2022 which is placed on record. Respectfully considering the order of the Hon'ble Supreme Court in **Union of India v. Rajiv Bansal** reported in **167 taxmann.com 70 (SC)** in para no.19(b) of the said order the issuance of notice under section 148 of the Act for AY 2015-16 on or after 01/04/2021 is invalid. The revenue has made concession before the Hon'ble Apex Court that for AY 2015-16 they would drop all notices issued u/sec 148 after 01/04/2021. So, the notice u/sec 148 initiated by the Ld. AO stands dismissed.

4. The Ld. DR argued & stands in favour of the orders of revenue authorities.

5. We have carefully considered the rival submissions, examined the material available on record, and taken note of the judicial precedents. The assessee's challenge is fundamentally on the jurisdictional ground namely, that the notice issued under section 148 dated 15/04/2022 is void ab initio, being issued beyond the period of limitation for A.Y. 2015-16, and squarely covered by the binding decisions of the Hon'ble Supreme Court in **Rajiv Bansal** (supra) and the Hon'ble Bombay High Court in **Verjina Foods Limited vs the Income Tax Officer, Ward-1(1), Kalyan W.P. No.1428 OF 2023**, date of order **06/10/2025** and in **Cherian Nallathu Abraham Annamma vs ITO WP(L) no. 32774 of 2025** date of order **13/10/2025**. The legal position that emerges from these authorities is unambiguous & all reassessment notices issued for A.Y. 2015-16 on or after 01/04/2021 are barred by limitation and must be dropped, as they do not fall within the extended period permissible under TOLA. The Hon'ble Bombay High Court has repeatedly applied this principle and quashed reassessment notices in identical fact situations. In the present case, the impugned notice under section 148 was issued on 15/04/2022, well beyond the legally permissible period. Consequently, the reassessment proceedings lack jurisdiction from their inception. The Ld. DR, despite relying on the orders of the revenue authorities, was unable to produce any contrary decision to rebut the judicial precedents cited by the Ld. AR.

In view of the above, the legal ground pertaining to the validity of the reassessment notice goes to the root of jurisdiction and is sufficient to vitiate the entire proceedings. Once the notice itself is void ab initio, the consequent reassessment order cannot survive. Accordingly, the additions made by the Ld. AO become purely academic and need not be adjudicated on merits. We therefore

hold that the reassessment proceeding initiated under section 148 is invalid, and the reassessment order passed pursuant thereto is liable to be quashed. As the issue is decided on the jurisdictional legal ground, the grounds on merits are rendered academic and are kept open.

6. In the result, the appeal of the assessee bearing **ITA No.7529/Mum/2025** is allowed.

Order pronounced in the open court on 30th day of January 2026.

Sd/-

(MAKARAND VASANT MAHADEOKAR)
ACCOUNTANT MEMBER

Mumbai, दिनांक/Dated: 30/01/2026
SAUMYASr.PS

Sd/-

(ANIKESH BANERJEE)
JUDICIAL MEMBER

Copy of the Order forwarded to:

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकरआयुक्त CIT
4. विभागीयप्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT,
Mumbai
5. गार्डफाइल/Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar), ITAT, MUMBAI