

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

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

I.T.A No.6481/Mum/2025
(Assessment Year: 2015-16)

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| Late Haresh I Chhugani Represented by Shibani Singhania Legal Heir of Assessee 129 Vandana, J.V.D. Scheme, Mumbai 400049, Maharashtra PAN : AABPC8560G | vs | DCIT, Central Circle-17(1), Mumbai Kautilya Bhavan, C41-43, Avenue 3, near Videsh Bhavan, G Block BKC, Gilban Area, Bandra Kurla Complex, Bandra East, Mumbai- 400051 |
| APPELLANT | | RESPONDENT |

Assessee by : Shri Bharat Kumar
Respondent by : Shri Hemanshu Joshi (SR DR)

Date of hearing : 22/01/2026
Date of pronouncement : 29/01/2026

ORDER

PerAnikesh Banerjee(JM):

The instant appeal of the assessee filed against the order of NFAC, Delhi [for brevity, 'Ld.CIT(A)'] order passed under section 250 of the Income-tax Act, 1961 (for brevity, 'the Act) for the Assessment Year 2015-16, date of order 29/09/2025. The impugned order emanated from the order of the Learned

Assessment Unit, Income-tax Department (for brevity, 'the Ld.AO') order passed u/s147 r.w.s. 144B of the Act, date of order 23/05/2023.

2. We heard the rival submission and considered the documents available in the record. The Ld. AR placed the ground and with additional ground before the ITAT. Related to additional ground the assessee challenged the jurisdiction of the Ld. AO for issuance notice under section 148 on the deceased person Late Haresh I Chhugani. The representative of the deceased person Mrs. Shibani Singhania filed the additional ground in related to issuance of notice of deceased person.

4. The Ld. AR first argued 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 15.04.2021 which is annexed in **APB page 1**. 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 said issue was duly conceded by the revenue before the Hon'ble Supreme Court so accordingly, the assessment initiated by the Ld. AO is stands dismissed.

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

6. 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 15/04/2021 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**. 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 15/04/2021, 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 and additional ground are rendered academic and are kept open.

7. In the result, appeal filed by the assessee bearing **ITA No.6481/Mum/2025** is allowed.

Order pronounced in the open court on 29th day of January, 2026.

Sd/-

(MAKARAND VASANT MAHADEOKAR)
ACCOUNTANT MEMBER

Mumbai, दिनांक/Dated: 29/01/2026
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