

IN THE INCOME TAX APPELLATE TRIBUNAL, RAJKOT BENCH, RAJKOT
BEFORE DR. ARJUN LAL SAINI, ACCOUNTANT MEMBER
AND
DR. DINESH MOHAN SINHA, JUDICIAL MEMBER
ITA Nos.519 & 521/RJT/2025
Assessment Years: (2013-14 & 2014-15)

Jivanbhai Devshibhai Sarla, C/o Shiv Shakti Enterprise, Hasanpara Street, Thangadh-363 530	Vs.	ITO, Ward - 2, Surendranagar
PAN/GIR No.: CXVPS 4418 N		
(Assessee)		(Respondent)

Assessee by : Ms. Devina Patel, AR
Revenue by : Shri Sanjay Punglia, CIT-DR &
Shri Abhimanyu Singh Yadav, Sr. DR
Date of Hearing : 18/12/2025
Date of Pronouncement : 09/02/2026

Order

Per, Dr. Arjun Lal Saini, AM:

Captioned both appeals filed by assessee, pertaining to assessment year (AY) 2013-14 and 2014-15, are directed against the separate orders passed under section 250 of the Income Tax Act 1961, (hereinafter referred to as 'the Act') dated 20.03.2025 and 17.03.2025 by the National Faceless Appeal Centre (NFAC), Delhi /Commissioner of Income-Tax (Appeals) (for short 'Ld. CIT(A)'), which in turn arise out of separate assessment orders passed by the Assessing Officer u/s 147 r.w.s 144B of the Act dated 19.05.2023 and 26.05.2023 respectively.

2. Since, the issues involved in all the appeals are common and identical; therefore, these appeals have been heard together and are being disposed of by this consolidated order.

3. Both these appeals filed by the same assessee, for assessment year 2013-14 and for assessment 2014-15, are barred by limitation of 81 days

(each appeal). In both the appeals, assessee filed respective petitions for condonation of delay, requesting the Bench to condone the delay. In both the petitions, for condonation of delay, the contents and facts are identical and similar, therefore, we shall adjudicate the issue of condonation of delay by taking lead petition for condonation of delay, in ITA No.519/Rjt/2025, wherein assessee has explained the reasons for delay. The learned Counsel for the assessee, explains the sufficient cause for delay, stating that the impugned order u/s 250 of the Act dated 17/03/2025 was issued on email address: "prcpit@gmail.com", which pertained to assessee's accountant. The said accountant did not communicate about the issuance of order to the assessee and thus assessee was not aware about the passing of the impugned order u/s 250 of the Act. The email id provided in Form 35 for receipt of notices by assessee was shrishivshakti2@gmail.com, on which only one letter for enablement of communication window was issued by the CIT(A) and that no further notices u/s 250 of the Act were issued by the Commissioner (Appeals) on the said e-mail id but were issued on e-mail id of assessee's accountant as stated above, before passing of impugned order u/s 250 of the Act. Hence, since assessee was not aware about the issue of notice u/s 250 of the Act by the Commissioner (Appeals) as assessee's accountant neither informed to the assessee nor filed replies to said notices, therefore, impugned order u/s 250 was passed *ex-parte*. When the revenue authorities, issued demand notice u/s 271(1)(c) of the Act, then assessee came to know about the passing of the impugned order u/s 250 of the Act, on 20/03/2025. Therefore, ld. Counsel submitted that the delay of 81 days in filing the appeal took place, for which the assessee explained sufficient cause, there were no intentional latches on the part of assessee, hence delay may be condoned.

4. On the other hand, Ld. CIT-DR for the Revenue submitted written submission, and also stated that mistake of a chartered accountant and advocate should not be considered the sufficient cause to condone delay and the condonation of delay is not a right of the assessee and it depends upon the discretionary powers of the Court. In the present assessee's case under consideration, assessee has failed to explain the sufficient cause, therefore delay should not be condoned in both appeals.

5. We have heard both the parties on the preliminary issue. We note that both the impugned appellate orders passed by the Id. CIT(A), 20.03.,2025 and 17.03.2025 were issued e-mail id, of Chartered Accountant and said accountant did not communicate about the issuance of order. Therefore, the assessee was not aware about passing the orders by the Id. CIT(A). We note that because of the mistake committed by the CA/advocate of assessee, the assessee should not be penalized. In considering the condonation petition, it is to be remembered that statutes conferring a right of appeal must be construed in furtherance of justice and the provision limiting the time for bringing an appeal must be liberally interpreted, so that the party pursuing such remedy allowed to him by the law is not non-suited on mere technicalities [*Chaman Lal Bros. P. Ltd. v. The Punjab State*, (1961) 12 STC 643 (Punj)]. The words "sufficient cause" should receive liberal construction so as to advance substantial justice. We note that accountant/advocate appointed by the assessee did not inform the assessee about the passing of the orders of Id. CIT(A). Therefore, we are of the view that because of the mistake of the accountant of the assessee, the assessee should not be penalized. For that we rely on the judgment on the decision of ITAT, 'C' Bench Kolkata in the case of in the case of M/s. Garg Bros. Pvt. Ltd. & Others vs. DCIT [ITA Nos.2519 to 2521/Kol/2017, order dated 18.04.2018],

wherein under similar set of facts and reasons, the Hon'ble Tribunal was pleased to condone the delay of 211 days by holding as under:

"3. We have heard both the parties on this preliminary issue. Having regard to the reasons given in the application for condonation of delay, we are of the considered opinion that assessee was under a bona fide belief that the impugned order of Pr. CIT was not appealable before this Tribunal since they were not advised by their Tax Consultants about this legal right. Later on, when a Senior Lawyer advised them to file an appeal, the assessee immediately took steps to file the appeals. Therefore, the delay caused. We note that delay was occurred because of the wrong advice of the Tax Professional for which assessee cannot be penalized. For the ends of justice, we condone the delay and admit the appeal for hearing."

6. We note that the reasons given in both affidavits for condonation of delay were convincing and these reasons would constitute reasonable and sufficient cause for the delay in filing these appeals. Having heard both the parties and after having gone through the affidavits as well the delay condonation, applications, we are of the considered opinion that in the interest of justice, the delay deserves to be condoned. We, accordingly, condone the delay in both appeals and admit these appeals for hearing.

7. In both these appeals, the assessee has raised the grounds pertaining to technical issue, being notice issued under section 148 of the Act, is time barred. When these cases were called for hearing, Ld. Counsel for the assessee submitted that the issue under consideration, in both appeals, are squarely covered in favour of assessee, by the judgment of Hon'ble Supreme Court in the case of Union of India vs. Ashish Agarwal (2022) 444 ITR (1) (SC) dated 04.05.2022, and by the judgment of Hon'ble Supreme Court in the case of Rajeev Bansal (2024) 469 ITR 46 (SC) dated 03.10.2024, as both the notices issued under section 148 of the Act, are beyond the surviving period. Therefore, in these two appeals, final notices issued by the assessing officer under section 148 of the Act, are time barred, hence reassessment proceedings may be quashed.

8. Then, learned Counsel for the assessee, to prove her stand/ arguments, submitted before the bench, sequence of dates, in ITA No. 519/RJT/2025 for assessment year 2013–14, which are reproduced below:

Sequences of dates are as under:

<i>Particulars</i>	<i>Date</i>	<i>Time limit</i>	<i>remarks</i>
<i>Original notice u/s 148 (deemed notice) of the Act issued on</i>	<i>17.06.2021</i>	<i>30.06.2021 as per TOLA Act, 2020</i>	<i>13 (30-06-2021 Less 17-06-2021) days (surviving time) remaining to issue of notice u/s 148</i>
<i>Period upto this date excluded while calculating limitation</i>	<i>04.05.2022</i>	<i>--</i>	<i>Date of decision of Ashish Agarwal (2022) 444 ITR 1 (SC) dated 04.05.2022</i>
<i>Show cause notice u/s 148A(b) issued on</i>	<i>26.05.2022</i>	<i>30 days from 04.05.2022</i>	<i>Time given to file reply of 2 weeks by AO</i>
<i>Due date to file reply by AO</i>	<i>09.06.2022</i>	<i>--</i>	<i>--</i>
<i>Last date to issue notice u/s 148</i>	<i>22.06.2022</i>	<i>--</i>	<i>13 days from 09.06.2022 i.e., expiry of time limit to file reply in response to notice u/s 148A(b) of the Act</i>
<i>Order u/s 148A(d) of the Act passed on</i>	<i>30.07.2022</i>	<i>--</i>	<i>--</i>
<i>Actual date of issue of notice u/s 148</i>	<i>30.07.2022</i>	<i>22.06.2022</i>	<i>Notice u/s 148 is beyond time allowed by SC in the decision of Rajeev Bansal (2024) 469 ITR 46 (SC) dated 03.10.2024</i>

Therefore, since notice u/s 148 is beyond period of surviving time as per decision of SC in case of Rajeev Bansal (2024) 469 ITR 46, the consequent order passed u/s 147 r.w.s. 144B of the Act dated 19.05.2023 is bad in law and both the notices and the orders deserve to be quashed.

9. The sequence of dates, in ITA No.521/RJT/2025 for assessment year 2014–15, are reproduced below:

BEFORE THE HON. INCOME TAX APPELLATE TRIBUNAL, RAJKOT BENCH, RAJKOT

In the matter of: 521 ITA No. 521/Rjt/25 A.Y. 2014-15
 Jivanbhai Devshibhai Sarla Appellant
 Date of hearing 18-12-2025

SEQUENCE OF DATES ARE AS UNDER:

<u>PARTICULARS</u>	<u>DATE</u>	<u>TIME LIMIT</u>	<u>REMARKS</u>
Original Notice u/s 148 (deemed notice) of the Act issued on	30-06-2021	30-06-2021 as per TOLA Act, 2020	1 day (surviving time) remaining to issue of notice u/s 148 but minimum 7 days to be given as per 6 th Proviso to Sec. 149 as amended w.e.f. 01-04-2023
Period upto this date excluded while calculating limitation	04-05-2022		Date of decision of Ashish Agarwal (2022) 444 ITR 1 (SC) dated 04-05-2022. Time given to AO to furnish information to assessee within 30 days from 04-05-2022.
Show cause notice u/s 148A(b) issued on	30-05-2022	30 days from 04-05-2022	Time given to file reply of 2 weeks by A.O.
Due date to file reply by A.O.	13-06-2022	-	-
Last date to issue notice u/s 148	20-06-2022	-	7 days from 13-06-2022 i.e. expiry of time limit to file reply in response to notice u/s 148A(b) of the Act
Order u/s 148A(d) of the Act passed on	30-07-2022	-	-
Actual date of issue of notice u/s 148	30-07-2022	20-06-2022	Notice u/s 148 is beyond time allowed by SC in the decision of Rajeev Bansal (2024) 469 ITR 46 (SC) dated 03-10-2024.

- Therefore, since notice u/s 148 is beyond period of surviving time as per decision of SC in case of Rajeev Bansal (2024) 469 ITR 46, the consequent order passed u/s 147 rws 144B of the Act dated 26-05-2023 is bad in law and both the notice and the order deserves to be quashed.

10. Considering the above sequence of events and dates mentioned above, for assessment 2013–14 and for assessment 2014–15, Learned Counsel for the assessee, prayed the Bench that both the reassessment orders for both assessment years, 2013–14 and 2014–15, may be quashed and both appeals of the assessee, may be allowed.

11. On the other hand, Ld. CIT-DR for the Revenue and Ld. Sr-DR both for the Revenue relied on the order of Assessing Officer.

12. We have carefully considered the facts of the case, the submission of the Learned Counsel for the assessee and ld DR for the Revenue and evidences on record. We note that the Income-tax Act, read with TOLA, extended the time limit for issuing reassessment notices u/s 148 of the Act, which fell for completion from 20th March 2020 to 31st March 2021 till 30th June 2021. The Hon'ble Apex Court in the case of Ashish Agarwal [2022] 138 taxmann.com 64 (SC) deemed these reassessment notices under the old regime, as show cause notices under the new regime with effect from the date of issuance of the reassessment notices. Therefore, the logical effect of the creation of the legal fiction by Ashish Agarwal (supra) is that the time surviving under the Income-tax Act read with TOLA will be available to the Revenue to complete the remaining proceedings in furtherance of the deemed notices, including issuance of reassessment notices under section 148 of the new regime. The surviving or balance time limit can be calculated by computing the number of days between the date of issuance of the deemed notice and 30th June 2021. The reassessment notices issued in pursuance of the deemed notices must be within the time limit surviving under the Income-tax Act read with TOLA. The effect of the creation of the legal fiction in Ashish Agarwal (supra) is that it stopped the clock of limitation with effect from the date of issuance of Section 148 notices under the old regime (which

is also the date of issuance of the deemed notices). The period from the date of the issuance of the deemed notices till the supply of relevant information and material by the assessing officers to the assessee in terms of the directions issued by the Hon'ble Court in Ashish Agarwal (supra), has to be excluded from the computation of the period of limitation. After the receipt of the reply, the assessing officer is required to perform the below within the surviving time limit:

- (i) Consider the reply of the assessee under section 148A(c);
- (ii) Take a decision under section 148A(d) based on the available material and the reply of the assessee; and
- (iii) Issue a notice u/s 148 of the Act, under new regime, if it is a fit case for reassessment.

The surviving time limit, as prescribed under the Income-tax Act read with TOLA, was available to the assessing officer to issue the reassessment notices u/s148 of the new regime.

13. Therefore, in our considered view, it was wholly erroneous on the part of the assessing officer, to issue notice u/s 148 of the Income Tax Act, 1961, beyond the surviving period, as mentioned in the celebrated judgement of Hon'ble Supreme Court in the case of UOI v. Rajeev Bansal, 167 taxmann.com 70. The important findings of the Hon'ble Court is reproduced below:

“110. The effect of the creation of the legal fiction in Ashish Agarwal (supra) was that it stopped the clock of limitation with effect from the date of issuance of Section 148 notices under the old regime [which is also the date of issuance of the deemed notices). As discussed in the preceding segments of this judgment, the period from the date of the issuance of the deemed notices till the supply of relevant information and material by the assessing officers to the assessee in terms of the directions issued by this Court in Ashish Agarwal (supra) has to be excluded from the computation of the period of limitation. Moreover, the period of two weeks granted to the assessee to reply to the show cause notices must also be excluded in terms of the third proviso to Section 149.

111. The clock started ticking for the Revenue only after it received the response of the assessee to the show cause notices. After the receipt of the reply, the assessing officer had to perform the following responsibilities: (i) consider the reply of the assessee under section 149A(c); (ii) take a decision under section 149A(d) based on the available material and the reply of the assessee; and (iii) issue a notice under section 148 if it was a fit case for reassessment. Once the clock started ticking, the assessing officer was required to complete these procedures within the surviving time limit. The surviving time limit, as prescribed under the Income-tax Act read with TOLA, was available to the assessing officers to issue the reassessment notices under section 148 of the new regime.

112. Let us take the instance of a notice issued on 1 May 2021 under the old regime for a relevant assessment year. Because of the legal fiction, the deemed show cause notices will also come into effect from 1 May 2021. After accounting for all the exclusions, the assessing officer will have sixty-one days [days between 1 May 2021 and 30 June 2021] to issue a notice under section 148 of the new regime. This time starts ticking for the assessing officer after receiving the response of the assessee. In this instance, if the assessee submits the response on 18 June 2022, the assessing officer will have sixty-one days from 18 June 2022 to issue a reassessment notice under section 148 of the new regime. Thus, in this illustration, the time limit for issuance of a notice under section 148 of the new regime will end on 18 August 2022.”

14. The issues under consideration are also covered by the judgment of Hon’ble jurisdictional High Court of Gujarat in the case of Dhanraj Govindram Kella vs. ITO (2025) 177 taxmann.com 194 (Guj), wherein the Hon’ble Court after considering the judgment of Hon’ble Supreme Court, in the case of UOI v. Rajeev Bansal, observed as follows:

“59. Having heard the learned advocates for the respective parties and having considered the rival submissions and on perusal of decisions in cases of Ashish Agarwal (supra) and Rajeev Bansal (supra) of the Hon'ble Apex Court, short questions which arise for consideration is (i) whether the approval granted by the Principal Commissioner of Income Tax for passing of order under section 148A(d) and issuance of notice under section 148 under the new regime is valid or not considering the provision of section 151 which has been amended with effect from 1st April, 2021 and(ii) whether notice issued under section 148 of the Act would be time barred and invalid or not.

60. In order to answer the above issues, it would be germane to summarize the undisputed facts emerging from the record.

1)	For Assessment Years 2013-2014 to 2017-2018 admittedly notices under section 148 was issued after 1 st April, 2021 by respondent authority by taking recourse to the provisions of TOLA.
2)	With effect from 1 st April, 2021 the entire procedure for issuance of reassessment notice under section 148 has undergone a change by replacing the old procedure under sections 147 to 151 by new procedure under section 147 to 151 including the insertion provision of section 148A providing an opportunity of hearing to the petitioners in consonance with the decision of the Hon'ble Apex Court in case of GKN Driveshafts India Ltd. v. ITO reported in [2002] 125 Taxman 963/259 ITR 19 (SC).

3)	<i>The Hon'ble Apex Court in case of Ashish Agarwal (supra) has come to the conclusion that notices issued under TOLA under provision of section 148 of old regime would be an invalid notice and therefore, by exercise of jurisdiction under Article 142 of the Constitution of India, and in order to save 90,0000 such notices issued by the Revenue, the Hon'ble Apex Court directed to consider such notices as notices issued under section 148A(b) of the Act under new regime with further direction to provide necessary information within 30 days from the date of decision i.e. 04.05.2022 to the respective assesseees so as to enable them to file objections as provided under the section 148A(b) of the Act and thereafter directed the Revenue to pass order under section 148A(d) and issue notice under section 148 of the Act under the new regime.</i>
4)	<i>The Hon'ble Apex Court at the time of issuance of directions also directed that such issuance of notices shall be governed by the time limit prescribed in section 149(1) which has been amended with effect from 1st April, 2021 under the new regime.</i>
5)	<i>Therefore, assessee raised objections that such notice issued under section 148 of the Act pursuant to the directions issued by Hon'ble Apex Court in case of Ashish Agarwal (supra) would be time barred and such notices also would be without valid approval of the specified authority as per provision of section 151 which has been amended with effect from 1st April, 2021 under the new regime.</i>
6)	<i>On challenge to such notices, various High Courts have held that such notices would be time barred considering the same being hit by the provisions of section 149 of the Act under the new regime and some of the High Courts also held that notices were invalid for want of approval by the specified authority as required under section 151(ii) of Act under the new regime, as such notices were admittedly issued beyond the period of three years from the end of relevant assessment year.</i>
7)	<i>The Hon'ble Apex Court was therefore, once again approached by the Revenue challenging such orders passed by several High Courts. The Hon'ble Apex Court in order to resolve the issues raised with regard to considering as to whether the notices issued under section 148 under new regime pursuant to the directions issued by Hon'ble Apex Court in case of Ashish Agarwal (supra) would be time barred or not and whether such notices would be valid or invalid notice for want of approval of the specified authority as per provision of section 151 of Act under the new regime or not and by order passed in case of Rajeev Bansal (supra), the Hon'ble Apex Court has issued the direction and in compliance to such directions, this group of petitions which were awaiting decision of Hon'ble Apex Court are now required to be disposed of.</i>

61. *Therefore, in view of above dictum of law, the directions issued by the Hon'ble Apex Court in case of Ashish Agarwal (supra) and further explained in case of Rajeev Bansal (supra) are to be followed and implemented in letter and spirit.*

62. *Therefore, taking the first issue raised by the petitioners for consideration that there is no approval of the specified authority as per provision of section 151 of the new regime is required to be considered in light of the decision in case of Rajeev Bansal (supra).*

63. *Contention of the petitioners that date of notices under section 148 issued as per the direction of Hon'ble Apex Court in case of Ashish Agarwal(supra) is to be considered as the relevant date to apply the provisions of section 151 for approval of the specified authority seems to be very attractive at the first blush however, if decision of Hon'ble Apex Court in case of Rajeev Bansal (supra) is read and re-read, in detail comprehensively and in wholesome manner, we are of the opinion that such contentions raised on behalf of the petitioners is required to be rejected outright for the following reasons:*

1)	<i>Hon'ble Apex Court in case of Rajeev Bansal (supra) has considered the aspect of sanction of the specified authority in paragraph nos. 73 to 81 in detail. On perusal of paragraph no. 73 to 81, Hon'ble Apex Court has referred to notice under section 148 of Act under the new regime pursuant to the directions issued in case of Ashish Agarwal (supra) and has considered the same along with the provisions of TOLA.</i>
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2) | After considering the mandatory requirement of grant of sanction by the appropriate authority which is a precondition for the Assessing Officer to assume jurisdiction under section 148 of the Act to issue notice for reassessment, in paragraph no. 77, Hon'ble Apex Court referred to the provisions of TOLA wherein it is categorically observed that:

"The test to determine whether Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 will apply to section 151 of the new regime is this : if the time limit of three years from the end of an assessment year falls between March 20, 2020 and March 31, 2021, then the specified authority under section 151(i) has an extended time till June 30, 2021 to grant approval. In the case of section 151 of the old regime, the test is : if the time limit of four years from the end of an assessment year falls between March 20, 2020 and March 31, 2021, then the specified authority under section 151(2) has time till March 31, 2021 to grant approval. The time limit for section 151 of the old regime expires on March 31, 2021 because the new regime comes into effect on April 1, 2021."

3) | In view of above observations there is no confusion as tried to have been raised on behalf of the petitioners that the date of notice under section 148 i.e. 29.07.2022 issued between July, 2022 and September, 2022 has to be considered being notice issued beyond three years forgetting the fact that such notices have the genesis in notice issued on or before 30.06.2021 under TOLA and when Hon'ble Apex Court has observed as above and further explained in paragraph no.78 by giving example for Assessment Year 2017-2018 for obtaining approval of the specified authority by observing that

"...three years time limit for Assessment Year 2017-2018 falls for completion on March 31, 2021 which falls during the time period of March 20,2020 and March, 31, 2021 contemplated under section 3(1) of the Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 and as such, authority specified under section 151(i) of the new regime can grant sanction till June 30, 2021."

Therefore, notice issued under section 148 issued between July, 2022 and September, 2022 is nothing but substitution of the notices which were issued under TOLA by the respondent between 1st April, 2021 and 30th June, 2021. This is further fortified by directions of the Hon'ble Apex Court to exclude the period from 30th June, 2021 till 4th May, 2022 date of decision in case of Ashish Agarwal (supra) and exclusion of the time till the information is provided to the assessee as required under section 148A(b) of the Act and further exclusion of 15 days for filing reply or raising objections by the assessee so as to see that order under section 148A(d) and notice under section 148 is issued between surviving time as per TOLA i.e. from the date of issuance of notices under TOLA till 30th June, 2021 as explained by Hon'ble Apex Court in paragraph nos. 94 to 112 in case of Rajeew Bansal (supra).

64. Considering the observations and directions issued by the Hon'ble Apex Court in case of Rajeew Bansal (supra) and applying the same to the facts of the case, we are of the opinion that approval granted by the specified authority as per section 151(i) of the Act for issuance of order under section 148A(d) and notice under section 148 of the Act is valid and therefore, contention of the petitioners is not tenable in view of facts of the case.

65. The alternative contention of the petitioner as to whether notices would be valid notice or invalid notice considering 'surviving time' between the date of the issuance of notices under TOLA and 30th June, 2021 or not is required to be considered and for that each matter has to be considered separately on the basis of the facts of case considering the date of issuance of notices under section 148 under TOLA by the Revenue and thereafter date of supplying information to the assessee and date of passing of order under section 148A(d) and date of issuance of notice under section 148 of the Act so as to consider whether issuance of notice under section 148 of the Act is within 'surviving time' as per the direction of Hon'ble Apex Court in case of Rajeew Bansal (supra) or not.

66. So far as Assessment Years 2013-2014 and 2014-2015 are concerned, the period of three years from the end of the assessment year would be over prior to 20.03.2020 and the period of six years would be over between 20.03.2020 and 30.06.2021. Therefore, the notices issued under section 148 of the Act under old regime between 01.04.2021 and 30.06.2021 as per TOLA, will be a valid

notice if the notice under section 148 of the Act under new regime is issued within the period of 'surviving time' as per the directions issued by Hon'ble Apex Court in case of Rajeev Bansal (supra). For the Assessment Years 2016-2017 and 2017-2018 are concerned, the notice issued under section 148 of the Act under old regime between 01.04.2021 and 30.06.2021 under TOLA would be considered to be issued within three years from the end of the relevant assessment year as three years would complete within the period of 20.03.2020 and 30.06.2021.

67. Therefore, in facts of these petitions, following data is required to be considered to find out 'surviving time' to decide as to whether the impugned notices under section 148 of the Act issued under the new regime as per the decision of Hon'ble Apex Court in case of Ashish Agarwal (supra) would be valid notice or not in view of the decision of the Hon'ble Apex Court in case of Rajeev Bansal (supra):

SCA NO	AY	Date of notice under section 148 under TOLA	No of days of surviving time available till 30.06.2021	Date of providing information under section 148A(b)
6387/2023	2013-2014	17.06.2021	13	26.05.2022
5688/2023	2014-2015	09.06.2021	21	23.05.2022
22260/2022	2016-2017	30.06.2021	1	23.05.2022
996/2023	2017-2018	30.06.2021	1	24.05.2022
SCA NO	Due date of filing reply	Date of reply:-	Date of order under section 148A(d) and notice under section 148:-	Last date for issuance of notice under section 148 as per surviving time:-
6387/2023	09.06.2022	04.06.2022	29.07.2022	22.06.2022
5688/2023	06.06.2022	-	27.07.2022	27.06.2022
22260/2022	07.06.2022	06.07.2022	30.07.2022	14.06.2022
996/2023	11.06.2022	10.06.2022	19.07.2022	18.06.2022

68. It is apparent from the above details that impugned notice under section 148 of the Act is issued beyond the period of 'surviving time' as per the direction of Hon'ble Apex Court in case of Rajeev Bansal (supra) and therefore, such notices would be invalid notices.

69. The impugned notices issued under section 148 of the Act are accordingly quashed and set aside being invalid having been issued beyond the 'surviving time'. Accordingly, impugned orders passed under section 148A(d) of the Act would also not survive and are accordingly, quashed and set aside. Subsequent proceedings, if any, undertaken by the respondent would not survive and are also quashed and set aside."

15. We note that in assessee's appeal in ITA No.519/RJT/2025 for A.Y. 2013-14, the surviving period is stating with the original notice u/s 148 of the Act, which is deemed notice of the Act, which was issued on 17.06.2021. As per TOLA Act, 2020, the time limit is 30.06.2021, therefore, the surviving period in this case is 13 days (i.e., from 30.06.2021 less 17.06.2021). As per the judgment of Hon'ble Supreme Court in case of Ashish Agarwal, (2022) 444 ITR 1 (SC), dated 04.05.2022, the period up to the date of 04.05.2022

should be excluded while calculating limitation. Therefore, the time given to the Assessing Officer to furnish information to the assessee is within the 30 days from 04.05.2022 [i.e., from date of decision of the Ashish Agarwal (supra)]. Therefore, the show cause notice u/s 148A(b) of the Act was issued on 26.05.2022 by the Assessing Officer and assessing officer has given two weeks' time to file the reply. Therefore, in assessee's case, the due date to file the reply before the Assessing Officer was 09.06.2022. Since the assessee has not filed the reply before the Assessing Officer, therefore last date of issue notice u/s 148 of the Act is 22.06.2022. This last date is computed from 09.06.2022 by addition 13 days of surviving period. However, in the assessee's case, the order u/s 148A(d) of the Act was passed on 30.07.2022 and thereafter, actual notice u/s 148 of the Act was issued on 30.07.2022 by the assessing officer. Therefore, in this assessee's case, the Assessing Officer must have issued the actual notice u/s 148 of the Act, on or before 22.06.2022, however, actual notice was issued u/s 148 of the Act, on 30.07.2022, hence, the notice u/s 148 of the Act, is beyond the time limit allowed by the Hon'ble Supreme Court in the decision of Rajeev Bansal, 469 ITR 46 (SC), therefore, reassessment proceedings should be quashed.

16. Likewise, for assessment year 2014-15 in ITA No.521/Rjt/2025, we find that original notice was issued by the Assessing Officer u/s 148 of the Act, which is deemed notice of the Income-tax Act, on 30.06.2021. The time limit as per the TOLA Act, 2020 is 30.06.2021. Therefore, there is only one day of surviving time, is available, to issue of notice u/s 148 of the Act, however, minimum 7 days to be given as per the proviso to section 149 of the Act, as amended w.e.f. 01.04.2023. The period up to the date of 04.05.2022 should be excluded while calculating limitation because it is the date of decision of Hon'ble Supreme Court in case of Ashish Agarwal (supra), dated 04.05.2022. Therefore, time given to the Assessing Officer to

furnish information to the assessee is within 30 days from 04.05.2022. However, the show cause notice u/s 148A(b) of the Act was issued on 30.05.2022 and Assessing Officer had given 2 weeks' time to the assessee to file the reply, therefore, due date to file the reply by the assessee is 13.06.2022 and last date to issue notice u/s 148 of the Act is on 20.06.2022, because 7 days from 13.06.2022, i.e., expiry of time limit to file reply u/s 148A(b) of the Act. However, in the assessee's case under consideration, the order u/s 148A(d) of the Act was passed on 30.07.2022 and the actual date to issue notice u/s 148 of the Act is as on 30.07.2022. However, in this case, the actual notice u/s 148 of the Act should have been issued up to 20.06.2022, therefore, the notice issued by the Assessing Officer u/s 148 of the Act is time barred and hence, the consequential assessment order framed by the Assessing Officer is invalid, therefore, re-assessment order framed by the Assessing Officer u/s 147 r.w.s. 144B of the Act, should be be quashed.

17. Therefore, respectfully following the binding precedents of Hon'ble Supreme Court (supra) and Hon'ble jurisdictional High Court of Gujarat (supra), we quash the re-assessment order of assessing officer, dated 19.05.2023 in ITA No.519/RJT/2025 and the re-assessment order of assessing officer, dated 26.05.2023 in ITA No.521/RJT/2025, being *void ab-initio*.

18. As the reassessment itself is quashed, all other issues on merits of the additions, in the impugned assessment proceedings, are rendered academic and infructuous.

19. In the combined result, both appeals of the assessee (in ITA No.519 and 521/RJT/25) are allowed.

A copy of the instant common order be placed in the respective case file(s)

Order is pronounced on 09/02/2026 by placing the result on the Notice Board.

Sd/-
(DR. DINESH MOHAN SINHA)
न्यायिक सदस्य/ **Judicial Member**

Sd/-
(DR. A. L. SAINI)
लेखा सदस्य/ **Accountant Member**

राजकोट /Rajkot
Date: 09/02/2026

Copy of the order forwarded to:

- The Assessee
- The Respondent
- CIT
- The CIT(A)
- DR, ITAT, RAJKOT
- Guard File

By order

// TRUE COPY //

Assistant Registrar/Sr. PS/PS
ITAT, Rajkot