

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'E' NEW DELHI

BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT
AND
SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER

ITA No. 5074/DEL/2025 (AYR 2013-14)

ITO,
ROOM NO. 199F,
1ST FLOOR, C.R. BUILDING,
I.P. ESTATE, NEW DELHI – 2

(APPELLANT)

VS. AGGARWAL ALLOY STEELS
PVT LTD.,
204, 2ND FLOOR, ABHINASH
MANSIO, MAIN JOSHI ROAD,
KAROL BAGH, NEW DELHI-5
(PAN: AADCA6884C)
(RESPONDENT)

And

CROSS OBJECTION No. 3/DEL/2026 (AYR 2013-14)
(IN ITA NO. 5074/DEL/2025)

AGGARWAL ALLOY STEELS
PVT LTD.,
204, 2ND FLOOR, ABHINASH
MANSIO, MAIN JOSHI ROAD,
KAROL BAGH, NEW DELHI-5
(PAN: AADCA6884C)

(APPELLANT)

VS. ITO,
ROOM NO. 199F,
1ST FLOOR, C.R. BUILDING,
I.P. ESTATE, NEW DELHI – 2

(RESPONDENT)

Assessee by : Sh. Piyush Agarwal, CA
Revenue by : Ms. Ankush Kalra, Sr. DR

Date of Hearing	12.2.2026
Date of Pronouncement	12.2.2026

ORDER

PER MAHAVIR SINGH, VP:

This appeal filed by the Revenue and Cross Objection by the Assessee, both are arising out of the order of the Ld. CIT(A)/NFAC, Delhi in Appeal No. NFAC/2012-13/10280584 dated 7.04.2025. Since the appeal and Cross Objections both are inter-connected, hence, the same were heard together and disposed of by this common order for the sake of convenience.

2. First we deal with Assessee's Cross Objection No. 219/Del/2025 (AY 2015-16).

3. At the outset, Ld. Counsel for the assessee stated that the assessee has raised jurisdictional issue in the cross objection that the notice u/s. 148 of the Act is barred by limitation. For this, assessee has only raised and argued the following Ground No. 4 :

“That the order passed u/s. 148A(d) and notice issued u/s. 148, issued after the surviving period hence barred by limitation, in the light of the judgement of Higher Courts. So, the reopening and assessment order passed by the AO is void ab initio, illegal, unjustifiable, bad in law and liable to be quashed.”

4. Ld. Counsel for the assessee stated that the assessment order is barred by limitation in view of the decision of the Hon'ble Supreme Court of India in the case of UOI vs. Rajeev Bansal (2024) 167 taxmann.com 70 (SC). Ld. Counsel for the assessee further stated that the assessment has been framed on the basis of second notice dated 29.7.2022 issued u/s. 148 of the Act. He explained the chronological list of relevant events, which reads as under:-

Date	Event
1 st notice u/s. 148 issued	26.6.2021
Extended limitation as per the TOLA	30.6.2021
No. of days b/w First Notice u/s. 148 and 30.6.2021 (surviving period)	5 days (26.6.2021 to 30.6.2021)
Minimum period available with AO to issue order u/s. 148A(d) as per fourth proviso of section 149	7 days
Surviving time (extended to 7 days)	7 days
Date of decision of Ashish Agarwal	4.5.2022
Notice u/s. 148A(b) issued on	27.5.2022
Time given	2 weeks (i.e. by 10.6.2022)
Assessee's reply	10.6.2022
Order u/s. 148A(d) and notice u/s. 148 had to be passed till	17.6.2022 (i.e. 7 days after assessee's reply dated 10.6.2022)
Order u/s. 148A(d) & Second Notice u/s. 148 issued on	29.7.2022 (i.e. 42 days after the surviving / balance time period)

4.1 In view of aforesaid chronological list of relevant events, Ld. AR for the assessee submitted that surviving/balance time limit, as per the decision of the Hon'ble Supreme Court in the case of UOI vs. Rajeev Bansal, the Revenue had only 7 days to issue notice u/s. 148 of the Act of the new regime, i.e. till 17.6.2022, after receipt of the response from the assessee on 10.6.2022 to the show cause notice issued u/s. 148A(b) of the Act. However, undisputedly, in the present case, the notice u/s. 148 of the Act was issued on 29.7.2022, i.e., 42 days after the surviving/ balance time. So, notice u/s. 148 issued on 29.7.2022 is barred by limitation and hence bad in law and liable to be quashed. Ld. DR could not controvert the aforesaid proposition of the Ld. AR for the assessee.

5. After hearing the rival contentions and gone through the above noted facts and the decision of the Hon'ble Supreme Court in the case of UOI vs. Rajeev Bansal (Supra), we hold that the notice issued u/s. 148 of the Act dated 29.07.2022 is barred by limitation and the same is therefore, set aside, as a result thereof, the assessment order is hereby quashed and accordingly, the cross objection filed by the assessee is allowed in the aforesaid manner.

6. As regards Revenue's appeal No. 5074/Del/2025 (AY 2013-14) is concerned, since we have already decided the Assessee's cross objection on the jurisdictional issue in favour of the Assessee by setting aside the notice u/s. 148 of the Act and subsequently, quashing the assessment order, thus, the issues raised in the Revenue's appeal have become infructuous and dismissed the same accordingly.

7. In the result, the cross objection filed by the assessee is allowed and revenue's appeal stand dismissed.

Order pronounced in the Open Court on 12.02.2026.

Sd/-
(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER
SRBhatnagar

Sd/-
(MAHAVIR SINGH)
VICE PRESIDENT

Date: 13-02-2026

Copy forwarded to: -

1. Appellant
2. Respondent
3. DIT
4. CIT (A)
5. DR, ITAT

Assistant Registrar, ITAT, Delhi Benches