

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : D : NEW DELHI
BEFORE MS. MADHUMITA ROY, JUDICIAL MEMBER
AND
SHRI SANJAY AWASTHI, ACCOUNTANT MEMBER

IT(IT)A No.07/Del/2025
Assessment Year : 2013-14

ACIT,
Delhi

Vs. Gourav Batra,
Flat No.1, Plot No.7&8,
Community Centre,
Naraina Industrial Area, Phase I,
Delhi – 110 028.

PAN: AFDPB3828H

(Appellant)

(Respondent)

Assessee by : Shri Shivam Garg, Advocate
Revenue by : Shri Pramod Kumar, Sr. DR
Date of Hearing : 10.02.2026
Date of Pronouncement : 10.02.2026

ORDER

PER MADHUMITA ROY:

The instant appeal filed by the Revenue is directed against the order dated 10.07.2025 of the Id. Commissioner of Income-tax (Appeals), Delhi-42 [hereinafter referred to as the Ld. CIT(A)] u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as ‘the Act’) arising out of the assessment order dated 25.07.2023 passed by the DCIT, Circle 1(1)(2), International Taxation, New Delhi (hereinafter referred to as ‘the Id. AO’) u/s 147 r.w.s. 144C (3) of the Act for Assessment Year 2013-14.

2. The facts leading to the case is that the first notice under Section 148 of the Act was issued on 28.06.2021 and as per TOLA the extended limitation period was dated 30.06.2021. Therefore, the surviving period was three days from 28.06.2021 to 30.06.2021 and the minimum period available for the AO to issue order u/s 148A(d) was seven days.

3. After the order passed by the Hon'ble Apex Court in the case of Ashish Aggarwal in Civil Appeal No.3005 of 2002 the said notice was treated as notice u/s 148A under the new regime. The notice u/s 148A(b) thereafter was issued on 31.05.2022 giving two weeks' time to file the reply by the assessee, i.e., by 14.06.2022. The Hon'ble Supreme Court in *Union of India v. Rajeev Bansal 2024 SCC Online SC 2693* has thereafter conclusively settled the manner of computation of limitation in such cases. It has been held that the validity of reassessment proceedings has to be tested by computing the "surviving period" available to the Assessing Officer on a case-to-case basis after accounting for all the exclusions. In the present case, as on 28.06.2021, only two days of limitation remained available, i.e. from 28.06.2021 to 30.06.2021. In terms of the third proviso to section 149(1), the period commencing from the date of issuance of the original notice (which stood deemed as notice under section 148A(b) till the date of supply of material and the time allowed to file reply is required to be excluded. Accordingly, the period from 28.06.2021 to 31.05.2022 stands excluded. Further, the limitation recommenced only after the assessee filed its

reply on 17.06.2022. By applying the fourth proviso to section 149(1), the Assessing Officer could at best be granted a maximum of seven days to issue a notice under section 148. On a combined reading of the above provisions and the binding judgment of the Hon'ble Supreme Court in *Rajeev Bansal*, the outer limit for issuance of notice under section 148 in the present case expired on 24.06.2022. However, the impugned notice under section 148 has been issued on 27.07.2022, i.e. after the expiry of the statutory limitation period. In view of the matter, the assessee has challenged the notice u/s 148 of the Act issued on 27.07.2022 as barred by limitation and, thus, liable to be quashed. Very many judgements were relied upon by the assessee in this regard.

4. The Ld. DR has not been able to controvert such factual aspect. Thus, having regard to the facts involved in the matter and the judgements passed by different forums as relied by the assessee, the notice under Section 148 of the Act dated 27.07.2022 is found to be barred by limitation and the same is, thus, liable to be quashed.

5. In the result, the appeal of the Revenue is dismissed.

Order pronounced in the open court on 13.02.2026.

Sd/-

Sd/-

(SANJAY AWASTHI)
ACCOUNTANT MEMBER

(MADHUMITA ROY)
JUDICIAL MEMBER

Dated: 13th February, 2026.

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Copy forwarded to:

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

Asstt. Registrar, ITAT, New Delhi