

**IN THE INCOME TAX APPELLATE TRIBUNAL,
DELHI BENCH: 'F' NEW DELHI**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER**

ITA No.479/Del/2017
Assessment Year: 2006-07

With

ITA No.480/Del/2017
Assessment Year: 2007-08

With

ITA No.6358/Del/2019
Assessment Year: 2006-07

With

ITA No.6365/Del/2019
Assessment Year: 2007-08

With

C.O. No.76/Del/2017
[Arising out of ITA No.499/Del/2017]
Assessment Year: 2012-13

Charu Shekhar Gupta, 203, Ashadeep Apartments, 9, Hailey Road, New Delhi	Vs.	ACIT, Central Circle-3, New Delhi
PAN: AAAPG6913C		
(Appellant)		(Respondent)

With

ITA No.1154/Del/2017
Assessment Year: 2009-10

With

ITA No.1156/Del/2017
Assessment Year: 2011-12

ACIT, Central Circle-3, New Delhi	Vs.	Charu Shekhar Gupta, 203, Ashadeep Apartment, 9, Hailey Road, New Delhi
PAN: AAAPG6913C		
(Appellant)		(Respondent)

Assessee by	Sh. Dinesh Chandra, Adv.
Department by	Ms. Monika Singh, CIT(DR)

Date of hearing	16.02.2026
Date of pronouncement	16.02.2026

ORDER

PER SATBEER SINGH GODARA, JM

The instant batch of seven cases involves the single assessee herein, namely, Sh. Charu Shekhar Gupta. All other relevant details thereof stand tabulated as under:

Sl. No.	Appeal No.	Appellant	Respondent	Order Appealed against
1.	ITA No. 479/Del/2017 for AY: 2006-07	Sh. Charu Shekhar Gupta	ACIT, CC-3, New Delhi	CIT(A)-23, New Delhi's order dated 29.11.2016 in case no. 286 & 287/14-15 involving proceedings under Section 153A/143(3) of the Act.
2.	ITA No. 480/Del/2017 for AY: 2007-08	Sh. Charu Shekhar Gupta	ACIT, CC-3, New Delhi	CIT(A)-23, New Delhi's order dated 29.11.2016 in case no. 286 & 287/14-15 involving proceedings under Section 153A/143(3) of the Act.
3.	ITA No. 6358/Del/2019 for AY: 2006-07	Sh. Charu Shekhar Gupta	ACIT, CC-3, New Delhi	CIT(A)-23, New Delhi's order dated 27.05.2019 in case no. 287/15-16 involving proceedings under Section 271(1)(c) of the Act.
4.	ITA No. 6365/Del/2019 for AY: 2007-08	Sh. Charu Shekhar Gupta	ACIT, CC-3, New Delhi	CIT(A)-23, New Delhi's order dated 27.05.2019 in case no. 288/15-16 involving proceedings under Section 271(1)(c) of the Act.
5.	C.O. No. 73/Del/32017 [Arising out of ITA No. 499/Del/2017] for AY: 2012-13	Sh. Charu Shekhar Gupta	ACIT, CC-3, New Delhi	CIT(A)-23, New Delhi's order dated 29.11.2016 in case no. 288 to 292/14-15 involving proceedings under Section 153A/143(3) of the Act.
6.	ITA No. 1154/Del/2017 for AY: 2009-10	ACIT, CC-3, New Delhi	Sh. Charu Shekhar Gupta	CIT(A)-23, New Delhi's order dated 14.12.2016 in case nos. 289 to 293/15-16 involving proceedings under Section 271(1)(c) of the Act.

7.	ITA No. 1156/Del/2017 for AY: 2011-12	ACIT, CC-3, New Delhi	Sh. Charu Shekhar Gupta	CIT(A)-23, New Delhi's order dated 14.12.2016 in case nos. 289 to 293/15-16 involving proceedings under Section 271(1)(c) of the Act.
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2. We notice at the outset that the assessee's twin appeals ITA Nos.479 & 480/Del/2017 involving section 153A proceedings and his instant as many consequential penalty(ies) cases ITA Nos.6358 & 6365/Del/2019, raise the first and foremost legal issue challenging correctness of the Assessing Officer's relevant assessments for want of any incriminating material found/seized during the search herein, which forms a mandatory condition going by PCIT Vs. Abhisar Buildwell Pvt. Ltd. (2023) 454 ITR 212 (SC). This is for the precise reason that the learned departmental authorities appear to have carried out the search in issue at the assessee's premises on 13.01.2012 which renders both these assessment years 2006-07 and 2007-08 as "unabated" ones wherein the corresponding seized material must form the basis of additions to be made in his hands.

3. That being the case, learned CIT(DR) refers to the Assessing Officer's assessment discussion dated 05.03.2015 placing reliance on the assessee's section 132(4) search statement and other material revealing the foreign bank accounts with HSBC, Zurich (Switzerland).

4. Be that as it may, the fact remains that although the assessee had raised his corresponding legal grounds in the lower appellate proceedings i.e. ground no. III, the learned CIT(A) has not recorded any clear-cut finding as to whether the addition made in his hands is based on the specific seized material or not. That being the case, we hereby deem it appropriate to restore the assessee's instant twin appeals ITA Nos. 479 & 480/Del/2017 along with the consequential as many penalty cases ITA Nos.6358 & 6365/Del/2019 back to the learned CIT(A) for his afresh appropriate adjudication as per law preferable within three opportunities of hearing. We order accordingly.

These assessee four appeals ITA Nos.479 & 480/Del/2017 and ITA Nos.6358 & 6365/Del/2019 accordingly stand accepted for statistical purposes.

5. Next come the Revenue's twin appeals ITA No.1154 & 1156/Del/2017 with assessee's C.O. No.76/Del/2017 in ITA No. 499/Del/2017 involving section 271(1)(c) penalty proceedings. The Revenue could hardly dispute that the CIT(A) has deleted the impugned penalties levied by the Assessing Officer for the sole reason that the corresponding quantum additions already stood reversed in his lower appellate order which is stated to have

attained finality. We thus find no reason to interfere with the CIT(A)'s clinching findings to the very effect. These Revenue's twin appeals ITA Nos. 1154 & 1156/Del/2017 fail in very terms.

The assessee's cross objection C.O. No.76/Del/2017 is dismissed as rendered infructuous.

6. To sum up, these assessee four appeals ITA Nos.479 & 480/Del/2017 and ITA Nos.6358 & 6365/Del/2019 are allowed for statistical purposes. The Revenue's twin appeals ITA Nos.1154 & 1156/Del/2017 and assessee's cross objection C.O. No. 76/Del/2017 are dismissed as rendered infructuous in preceding terms. A copy of this common order be placed in the respective case files.

Order pronounced in the open court on 16th February, 2026

Sd/-
(NAVEEN CHANDRA)
ACCOUNTANT MEMBER

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 16th February, 2026.

RK/-

Copy forwarded to:

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

Asst. Registrar, ITAT, New Delhi