

IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, KOLKATA

**BEFORE SHRI RAJESH KUMAR, AM
AND
SHRIPRADIP KUMAR CHOUBEY, JM**

**ITA No.2582/KOL/2025
(Assessment Year: 2013-14)**

Delta Dealers Private Limited
Baltikuri, Kalitala,
P.O. Dasnagar, Howrah-711113,
West Bengal

(Appellant)

PAN No. AACCD9633P

Income Tax Officer,
Ward No.13(1)
Aaykar Bhawan Poorva,
110 Shantipally, E.M. Bypass,
Kolkata-700107, West Bengal

(Respondent)

Assessee by : Shri Akshay Ringasia, AR
Revenue by : Shri Sanjib Kumar Paul, DR

Date of hearing: 20.01.2026
Date of pronouncement: 26.02.2026

ORDER

Per Rajesh Kumar, AM:

This is an appeal preferred by the assessee against the order of the National Faceless Appeal Centre, Delhi (hereinafter referred to as the "Ld. CIT(A)") dated 24.09.2025 for the AY 2013-14.

2. At the time of hearing the Id. Counsel for the assessee raised additional ground which is extracted as under:-

"That your assessee craves to plead an additional ground with the leave of this Tribunal under Rule 11 of the Income Tax (Appellate Tribunal) Rules, 1963 and ratio laid down by the Hon'ble Supreme Court in the case of NTPC.

"That on the facts and in the circumstances of the case and in law, the reassessment order dated 30.03.2022 passed under section 147 read with section 144B of the Income-tax Act, 1961 by the National Faceless Assessment Centre is without

jurisdiction, void ab initio and liable to be quashed, as the assumption of jurisdiction by NFAC was prior to 29.03.2022, when no notification under section 151A of the Act was in force authorizing faceless reassessment proceedings."

That since the above ground goes to the root of the matter and permeates from facts already on record before the lower authorities and this Hon'ble Tribunal, your assessee prays for the admission of the same in the interest of justice."

3. After hearing the rival contentions and perusing the material on record, we find that the assessee has raised the above additional ground of appeal challenging the jurisdiction of the AO to make addition. In our opinion the issue raised in the additional ground is a purely a legal issue qua which all the facts are available in the appeal folder and no further verification of facts are required from any quarter whatsoever. In our considered view the assessee is at liberty to raise any legal issue before any appellate authority for the first time even when the same has not been raised before the lower authorities. The case of the assessee is squarely covered by the decisions of the Apex court in the case of i) Jute Corporation of India Ltd. Vs CIT in 187 ITR 688 , ii) National Thermal Power Co. Ltd v. CIT [1998] 229 ITR 383 and also by the decision of Hon'ble Calcutta High Court in PCIT vs. Britannia Industries Ltd. [2017] 396 ITR 677 (Cal). Therefore, we are inclined to admit the same for adjudication.
4. The facts in brief are that in this case the National Faceless Assessment Centre, Delhi has assumed jurisdiction prior to the date of notification on 29.03.2022 issued making the provisions of section 151A effective from that and framed the assessment on 30.03.2022 u/s 147 read with section 144 of the Act. The assessee filed the return of income u/s 139(1) of the Income-tax Act, 1961 on 12.03.2014, declaring total income of ₹951. The case of the assessee

was reopened u/s 147 of the Act by issuing notice u/s 148 of the Act on 11.05.2020, Thereafter, the notice u/s 142(1) of the Act was issued by NFAC on 02.02.2022 and likewise a show cause notice was issued on 24.02.2022. We note that the second show cause notice was issued on 07.03.2022 by NFAC. The NFAC issued a final draft assessment order on 26.03.2022 and against which the objections were filed by the assessee on 26.03.2022. The Id. AO disposed off the objection on 27.03.2022 and final assessment was framed vide order dated 30.03.2022.

4.1. After hearing the rival contentions and perusing the materials available on record, we find that the assessment has been framed by the National Faceless Assessment Centre vide order dated 30.03.2022, which in our opinion, is without jurisdiction as the Provisions of Section 151A of the Act which provides for faceless assessment were notified from 29.03.2022 vide notification no. 18/2022/F. No. 370142/16/2022-TPL(Part) though the same were brought on statute book by the Taxation and Other Law (realization and amendment of certain provisions) Act, 2020 with effect from 01.11.2020. Considering these facts, the assessment framed by the National Faceless Appeal Centre is null and void as the same is without jurisdiction and cannot be sustained. The case of the assessee find support from the decision of the co-ordinate Bench in case MD Mahimud SK Vs ITO ITA No. 2230 & 2229/Kol/2024 order dated 4.3.2025. Similarly, the Telangana High Court in case of Kankanala Ravindra Reddy vs. Income-tax Officer [2023] 156 taxmann.com 178 (TELANGANA)/[2023] 295 Taxman 652 (TELANGANA)[14-09-2023], Hon'ble Jurisdictional High Court in case

of Triton Overseas (P.) Ltd. vs. Union of India [2023] 156 taxmann.com 318 (Calcutta)[13-09-2023] and Hon,ble Bomay High Court in Samp Furniture (P.) Ltd. vs. Income-tax Officer [2025] 477 ITR 187 (Bombay)[05-08-2024] decided the issue in favour of the assessee. Therefore, respectfully following the above decisions, we quash the assessment framed by the AO/ NFAC.

5. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on 26.02.2026.

Sd/-
(PRADIP KUMAR CHOUBEY)
(JUDICIAL MEMBER)

Sd/-
(RAJESH KUMAR)
(ACCOUNTANT MEMBER)

Kolkata, Dated: 26.02.2026

Sudip Sarkar, Sr.PS

Copy of the Order forwarded to:

1. The Appellant
2. The Respondent
3. CIT
4. DR, ITAT,
5. Guard file.

BY ORDER,

True Copy//

Sr. Private Secretary/ Asst. Registrar
Income Tax Appellate Tribunal, Kolkata