

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

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

**ITA No.1805/KOL/2025
(Assessment Year:2015-16)**

Sri Sukumar Kuity
C/O, M/s, Salarpuria Jajodia &
CO.7, C.R. Avenue, 3rd Floor,
Kolkata-700072, West Bengal

(Appellant)

PAN No. AIXPK5035G

NFAC
Vs. North Block, New Delhi-110001

(Respondent)

Assessee by : Shri Siddarth Jhajharia, AR
Revenue by : Shri S.B. Chakraborty, 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 12.06.2025 for the AY 2015-16.

2. The only issue raised by the Counsel of the assessee is in respect of A.Y. 2015-16, being time barred by limitation in consonance with the decision of the Hon'ble Apex Court in the case of Union of India and other Vs. Rajeev Bansal [2024] 469 ITR 46 (SC), dated 03.10.2024.
3. The facts in brief are that the case of the assessee was reopened upon credible information regarding cash deposited in bank account

maintained with SBI of ₹10,08,000/- and Union bank of India of ₹46,35,100/- for A.Y. 2014-15 but not filed any return of income, as received through the Insight Portal. Upon considering the submissions of assessee during the course of proceedings u/s 148 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act'), the assessee filed the return of income on 09.05.2022, declaring total income of ₹2,12,240/-. Thereafter, notice u/s 143(2) and 142(1) were issued, however, the assessee failed to furnish the details as called for. Thereafter, the assessee on 14.12.2023 submitted that the notices u/s 143(2) and 142(1) and letters issued on different dates prior to the show cause notice dated 07.11.2023 to the assessee had not been received. The assessee submitted that assessee had a small business eligible u/s 44AD of the Act and most of the sale proceeds of the business of the assessee were received in cash. The contention of the assessee was not accepted and the case was reopened. Since no return was filed by the assessee, the source of such cash deposit remained unexplained. Accordingly, notice u/s 148 of the Act dated 13.04.2022 was issued and the assessment was framed u/s 147 read with section 144B of the Act vide order dated 17.01.2024 by determining the total income at ₹58,55,340/- which was also affirmed by Id. CIT(A).

4. The Ld. Counsel vehemently submitted before us that the notice issued u/s. 148 of the Act is barred by limitation as benefit of TOLA is not available to the assessment year 2015-16. The assessee relied on in defense of his arguments on the decision of Hon'ble Apex Court in the case of Rajeev Bansal (Civil Appeal No.8629 of 2024, reported in 167 taxmann.com 70 (SC) pronounced on 03.10.2024 which has been

followed by Hon'ble Delhi Court in the case of Ibibo Group Pvt. Ltd. Vs. ACIT in WP(C) No. 17639/2022 order dated 13.12.2024 wherein it has been held that reopening of assessment for 2015-16 is not permissible in the extended period as per TOLA on and from 01.04.2021. The said decision has been followed by the Coordinate Bench in the case of Orbit Financial Capital, ITA No. 5812/M/2024. The Id. AR submitted that even the Coordinate Bench in the case of Coplama Products Pvt. Ltd. in ITA No. 1806/Kol/2024 pronounced on 31.01.2025 has followed the said decision. Thereafter, the Rajasthan High Court in WP No. 3667 of 2023 vide its order dated 27.01.2025 has taken the similar view. The Ld. AR, also relied on the decision of Hon'ble Apex Court in the case of Deepak Steel & Power Ltd Vs CBDT (2025) 174 taxmann.com 144(SC) and therefore, prayed that the assessment framed may kindly be quashed.

5. After hearing the rival contentions and perusing the material available on record, we find that undisputedly, the notice u/s. 148 of the Act was issued on 13.04.2022 which falls beyond the period of limitation as the relaxation granted by TOLA w.e.f. 01.04.2021 to 30.06.2021 is not available in the impugned assessment year as has been held in the case of Rajeev Bansal(supra) by the Hon'ble Apex Court and thereafter the said decision has been followed in the case of Ibibo Group Pvt. Ltd. (supra). We note that the Hon'ble Delhi High Court in the case of Ibibo Group Pvt. Ltd. (supra) held that the reopening of assessment for Ay 2015-16 is not permissible in the extended period as per TOLA on and from 01.04.2021. We also note that Hon'ble Rajasthan High Court in WP No. 3667 of 2023 dated 27.01.2025 has taken a similar view. The Hon'ble Apex court in the

case of Deepak Steel & Power Ltd Vs CBDT(supra) has laid the same ratio. Considering the facts of the assessee's case in the light of the aforesaid decisions, we are inclined to hold that the reopening of assessment is barred by limitation and is accordingly quashed. The assessment framed is also quashed.

6. 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