IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD "A" BENCH

Before: DR. BRR Kumar, Vice President
And Shri T. R. Senthil Kumar, Judicial Member

ITA No: 840/Ahd/2025
Assessment Years: 2018-19

Mahaveer Singh 466, Karnavati Platinium, K 9, Ahmedabad G.P.O., Ahmedabad-380001 Gujarat **PAN: FCTPS0920M** **(Appellant)**	Vs	The PCIT, Ahmedabad-1, Ahmedabad **(Respondent)**

Assessee Represented: Shri P.F. Jain, A.R.
Revenue Represented: Shri Alpesh Parmar, CIT-DR

Date of hearing : 25-02-2026
Date of pronouncement : 03-03-2026

आदेश/ORDER

PER: T.R. SENTHIL KUMAR, JUDICIAL MEMBER

This appeal is filed by the Assessee as against Revision order dated 25-03-2025 passed by the Principal Commissioner of Income Tax, Ahmedabad-1, arising out of the assessment order passed under section 143(3) r.w.s. 147 of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') relating to the Assessment Year 2018-19.

2. Brief facts of the case is that the assessee is an individual has not filed the Return of Income for the Asst. Year 2018-19. Information received from the insight portal of the Department that the assessee

made cash deposit of Rs.1,26,85,410/- and withdrawal of Rs.7,45,118/- in his ICICI Bank account, Ahmedabad-Relief Road Branch during the Financial Year 2017-18 but not filed the Return of Income. Therefore the assessment was reopened by issuing notice u/s. 148 on 27-03-2022. The assessee has not responded to the above notice. Therefore notice u/s. 142(1) dated 06-10-2022 and 15-11-2022 were issued but not replied by the assessee. Therefore final show cause notice dated 27-12-2022 and 06-02-2023 were issued, against which the assessee partly complied with the details that he was engaged in the trading of cloth merchant in the name and style of M/s. Priyanaka Textile at F/63, Padmavati Complex, Gheekanata near Mahalaxmi Complex, Ahmedabad. The assessee explained that the cash deposit and withdrawals are relating to the trading and purchase of goods.

2.1. Though assessee not filed the original return u/s. 139(1) of the Act, however a belated return filed in response to 148 notice on 10-02-2023 estimating the income at Rs.10,52,202/- u/s. 44AD of the Act on the turnover of Rs.1,31,30,550/-. The assessee claimed that it had paid the appropriate tax including interest and fee payable u/s. 234F of the Act totaling to Rs.2,92,320/-. The assessing officer accepted the above returned income and initiated penalty proceedings u/s. 272A(1)(d) of the Act for non-compliance to the statutory notices issued u/s. 142(1) and 143(2) of the Act.

3. Perusal of the above reassessment order, Ld. PCIT found that the assessing officer failed to invoke u/s. 270A(2)(b) of the Act. Thus assessee having not filed original Return of Income and not paid the taxes, however a belated return filed in response to notice u/s. 148 of

the Act, therefore the penalty provisions u/s. 270A(2)(b) is directly attracted. Whereas the assessing officer has failed to initiate the penalty proceedings in the reassessment proceedings which is erroneous and prejudicial to the interest of Revenue. Therefore Ld. PCIT issued a show cause notice dated 08-03-2024 to the assessee.

3.1 The assessee replied that the order passed by the A.O. was neither erroneous nor prejudicial to the interest of Revenue. However an appeal is pending against the reassessment order, therefore the Revision proceedings is barred u/s. 263(1) of the Act. Further the reply of the assessee reads as follows:

> *"It is respectfully submitted that proceedings for the levy of penalty are independent and separate from assessment proceedings and in the case of J.K.D. costa 133 ITR 7, Delhi their Lordship proceeded to state that CIT is not entitled to bring within his scope and deal with penalty proceedings and orders (which are admittedly connected but distinct) while calling for and examining the record of assessment proceedings and orders. Further in the case of P.C.Purn 151 ITR 548 (Delhi) it has been held that an assessment cannot be set to be prejudicial to the interest of the Revenue because of the failure of the income tax officer to record his opinion about the leviability of penalty as penalty proceedings do not form a part of an assessment proceedings and such finding has also been given in following cases.*
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> > *1. CIT vs. Keshrimal Parasmal-157 ITR 484 (Rajsthan)*
> > *2. Surendra Prasad singh vs. CIT-173 ITR 510 (Guhati)*
> > *3. Linotype and machinery limited vs. CIT-192 ITR 337 (Cal.)*
> >
> > *In all these case view taken by the Delhi High Court in J.K.D. costa's case 133 ITR 7 has been followed.*
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> *In view of these facts read with above decisions it is respectfully submitted that the order passed by the A.O. and on account of non initiation of penalty u/s 270A it does not become prejudicial and erroneous to the interest of the revenue and there is no question of income of Rs. 1,31,949/- remaining to be assessed and hence the revision proceedings u/s 263 initiated by notice dated 08/03/2025 may kindly be dropped."*

4. The above reply was considered by the Ld. PCIT and held as follows:

> *"7.1 In view of the fact of the case and ruling of Hon'ble Supreme court, it is clear that the assessment order is passed by the A.O., without making proper examination of the issues mentioned above. The Assessing Officer has failed to make addition in accordance with the provisions of the Act. The error in the assessment order has resulted into loss of revenue. The order passed by the Assessing Officer is, thus, erroneous and prejudicial to the interest of the Revenue to the extent of initiation and levy of penalty under section 270A of the Act. Therefore, provisions of section 263 of the Act are applicable in this case.*
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> *8. Hence, in exercise of power conferred in me u/s. 263 of the Act, the A.O. is directed to initiate penal proceedings under section 270A of the Act. Needless to mention the A.O. can levy penalty under section 270A of the Act or may kept in abeyance if the appeal is pending before CIT(A). Accordingly, in view of the powers entrusted to the under signed under section 263(1)(i) of the Act, the assessment order passed u/s. 147 r.w.s. 144B of the Income tax Act dated 02/03/2023 for the A.Y. 2018-19 is modified to the extent of initiation and levy of penalty under section 270A of the Act."*

5. Aggrieved against the Revision order, the assessee is in appeal before us raising the following Grounds of Appeal:

> *1. The Ld. PCIT-1 has erred in law and on facts in passing order u/s 263 on the ground of assessing officer having not initiated penalty proceedings u/s 270A of the Income tax Act while passing order u/s 147 on 02/03/2023.*
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> *2. He has erred in law and on facts in not properly appreciating the reply to notice issued on 08/03/2023 explaining that penalty proceedings are independent from assessment proceedings and as per various legal decisions assessment cannot be held to be prejudicial to the interest of revenue in as much as that the non initiation of penalty do not form part of the assessment proceedings and as such no proceedings u/s 263 can be initiated.*
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> *3. The order u/s 263 passed by the PCIT -1 on 25/03/2025 modifying the assessment order for initiation and levy of penalty is submitted to be erroneous and without jurisdictional.*
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> *4. The decisions mentioned in the order are submitted to be not applicable to the facts of the assessee.*
>
> *5. On the facts of the assessee no order u/s 263 ought to have been passed.*
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> *6. Appellant craves leave to add, to alter and or modify any ground of appeal.*

6. Heard rival submissions and perused the materials available on record. Ld. Counsel also submitted that though the assessing officer initiated penalty proceedings u/s. 272A(1)(b) of the Act for non-compliance to the statutory notices issued u/s. 142(1) and u/s. 143(2) of the Act. Later vide order dated 12-09-2023, the assessing officer dropped the penalty proceedings accepting the reasonable cause for assessee's failure to comply with the notices, which were served on the wrong address of the assessee. Thus Ld. Counsel submitted the Ld. PCIT is not correct in assuming jurisdiction u/s. 263 of the Act and directing the A.O. to initiate penalty proceedings u/s. 270A(2)(b) of the Act and relied upon case laws. More particularly, Mumbai Bench Tribunal decision in the case of M/s. G M Builders vs. PCIT in ITA No. 2192/Ahd/2024 dated 12-03-2025.

7. Per contra Ld. CIT-DR appearing for the Revenue supported the order passed by the PCIT and requested to uphold the Revision order.

8. We have given our thoughtful consideration and perused the materials available on record including the Paper Book and case laws filed by the assessee. It is undisputed fact that the assessee failed to file the Return of Income u/s. 139(1) of the Act in spite of taxable income in his hands. Pursuant to the information available with the Department, the assessment was reopened by issuing a notice u/s. 148 of the Act. Even in that case, the assessee filed belated return on 10-02-2023, just before the expiry of time barring period to complete the assessments and also paid the taxes and interest thereon under presumptive taxation u/s. 44AD of the Act on the turnover of Rs.1,31,30,550/-. When the assessee has chosen to file the return u/s. 44AD of the Act,

he could have filed the return within the time limit prescribed u/s. 139(1) of the Act. Whereas the assessee neither filed the original return nor filed the return within the time limit prescribed notice u/s. 148 of the Act but a belated return on 10-02-2023 of the Act which is a clear case of under reporting of income. For ready reference Section 270A(2)(b) is reproduced as follows:

> *"270A. (1) The Assessing Officer or the Commissioner (Appeals) or the Principal Commissioner or Commissioner may, during the course of any proceedings under this Act, direct that any person who has under-reported his income shall be liable to pay a penalty in addition to tax, if any, on the under-reported income.*
>
> *(2) A person shall be considered to have under-reported his income, if*
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> *(a) the income assessed is greater than the income determined in the return processed under clause (a) of sub-section (1) of section 143;*
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> *(b) the income assessed is greater than the maximum amount not chargeable to tax, where no return of income has been furnished (or where return has been furnished for the first time under section 148);*

8.1. This action of the assessee is clearly against the provisions of Section 270A(2)(b) of the Act, which the assessing officer failed to invoke the penalty provision at the time of completion of reassessment order, which is clearly an erroneous and prejudicial order to the interest of Revenue, wherein Ld. PCIT has invoked the power u/s. 263 of the Act.

9. Ld. Counsel reliance on Co-ordinate Bench decision of Mumbai in the case of M/s. G M Builders is a case where non-filing return is pursuant to a partnership dispute between the Partners, however advance tax and self assessment tax were paid by the assessee firm, but no returns were filed by it. When the assessment was reopened after four years, the assessee firm filed the return and thereon the

assessing officer failed to invoke penalty u/s. 270A(2)(b) of the Act, whereby the Revision order was quashed by the Co-ordinate Bench of this Tribunal. But here in the present case, the assessee neither filed the original return and not paid the taxes nor filed the return in response to the 148 notice within the time, which clearly the attracts the provisions of Section 270A(2)(b) of the Act which is prejudicial to the interest of Revenue.

9.1. Further Co-ordinate Bench of this Tribunal decision in the case of Vikas Vijay Gupta Vs. PCIT in ITA No. 404/Ahd/2024 dated 27-05-2025 considered various decisions of the Tribunal, Delhi High Court and held as follows:

> *9. We have heard rival submissions at length and perused the relevant material on record including the Paper Book and Case Laws filed by the parties. The case law relied by the assessee namely J.K. D'Costa was considered by Delhi High Court in the case of Achal Kumar Jain [1982] 11 Taxman 228 and Allahabad High Court in the case of CIT v. Surendra Prasad Agrawal [2005] 142 Taxman 653. The above case laws were considered by the Mumbai Bench of this Tribunal in the case of Anjis Developers Pvt. Ltd. v. PCIT-5 in ITA No. 959/MUM/2022 dated 20/02/2023 and held as follows:*
>
> > *"6. We have heard rival submission of the parties on the issue-in-dispute and perused the relevant material on record. According to the Ld. PCIT, the Assessing Officer failed to make inquiries on the issue of initiating penalty proceedings u/s 270A of the Act and said action of the Assessing Officer is without application of the mind. Before the Ld. PCIT, it was submitted on behalf of the assessee that all material facts were disclosed before the Assessing Officer.It was further submitted that case of the assessee falls within the exclusion mentioned u/s 270A(6) of the Act and therefore addition made cannot be considered as under reporting of the income for the purpose of section 270A of the Act and it was possible that Assessing Officer had after considering the fact of the case and exclusion mentioned 270A(6) of the Act, arrived at the decision that the assessee was not liable for initiating the penalty proceedings. But we find that there is no such whisper in the assessment order or in the assessment record that case falls under exclusion mentioned in section 270A(6) of the Act. Further, we find that in the case of Addl. CIT v. J.K. D's Costa (supra), the Hon'ble High Court has held penalty proceedings do not from part of assessment proceedings and failure of the Assessing Officer or ITO to record in the assessment order, his satisfaction or lack of it in regard to the leviability of the penalty, cannot be said to be a factor vitiating the assessment order in any respect. The Hon'ble Delhi High Court in the case of Achal Kumar Jain (supra) following the finding in the case of J.K. D's Costa (supra). However, we find*

that the Hon'ble Allahabad High Court in the case of Surendra Prasad Agrawal (supra) after considering the decision of the Hon'ble Delhi High court in the case of J.K. D's Costa (supra) and Achal Kumar Jain (supra) held that non-initiation of penalty proceedings u/s 271(1)(c) of the Act has rendered, the assessment order erroneous in so far as prejudicial to the interest of the Revenue. The relevant finding of the Hon'ble Allahabad High Court is reproduced as under:

> *"5. We have heard Shri A.N. Mahajan, the learned Standing Counsel for the Revenue and Shri Rishi Raj Kapoor, leamed counsel for the respondent. 6. The learned counsel for the Revenue submitted that the Tribunal was not justified in holding that the Commissioner of Income Tax could not have assumed jurisdiction under section 263 of the Act in a case in which there was no order passed by the Income Tax Officer under the Act in as much as omission to initiate penalty proceedings while passing the assessment order was erroneous as also prejudicial the interest of the Revenue. He further submitted that the Commissioner of Income Tax has remanded the matter and if the order was erroneous and prejudicial on two points, the Commissioner had the power to remand the matter and direct for initiation of penalty proceedings also. He relied upon the following decisions*
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> *1. Saraiya Distillery's case (supra)*
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> *2. Malabar Industrial Co. Lid. v. CIT (2000).243 ITR 83-(SC).*
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> *7. Shri R.R. Kapoor learned counsel for the respondent submitted that omission to initiate penalty proceedings under section 273(1) of the Act by the Income Tax Officer while passing the assessment order did not amount to an order which could be revised by the Commissioner of Income Tax under section 263 of the Act. While supporting the decision of the Tribunal he relied upon the following decisions:*
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> *1. Adell. CIT v. J.K. D'Costa (19821 133 ITR 7& (Delhi)*
>
> *2. Addl. CIT v. Achal Kumar Jain [1983] 142 ITR 606 (Delhi)*
>
> *3. CIT v. Nihal Chand Rekyan (20001 242 ITTR 45 (Delhi).*
>
> *8. Having heard the leamed counsel for the parties we find that the*
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> *Delhi High Court in the case of J.K. D'Costa (supra) has held that the assessment cannot be said to be erroneous or prejudicial to the interest of the revenue because of the failure of the Income Tax Officer to record his opinion about the leviability of penalty in the case. It has held as follows:*
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> *"..The only question before us is whether the Tribunal was right in revoking the order of the Addl. Commissioner in so far as it pertains to the question of penalties under sections 271(1)(a) and 273(b). Here, we find ourselves in complete agreement with the view taken by the Tribunal. It is well established that proceedings for the levy of a penalty whether under section 271(1)(a) or under section 273(6) are proceedings independent of and separate from the assessment proceedings. Though the expression assessment is used in the Act with different meanings in different contexts, so far as section 263 is*

concerned, it refers to a particular proceeding that is being considered by the Commissioner and it is not possible when the Commissioner is dealing with the assessment proceedings and the assessment order to expand the scope of these proceedings and to view the penalty proceedings also as part of the proceedings which are being sought to be revised by the Commissioner. There is no identity between the assessment proceedings and the penalty proceedings; the latter are separate proceedings, that may, in some cases, follow as a consequence of the assessment proceedings. As the Tribunal has pointed out, though it is usual for the ITO to record in the assessment order that penalty proceedings are being initiated, this is more a matter of convenience than of legal requirement. All that the law requires, so far as the penalty proceedings are concerned, is that they should be initiated in the course of the proceedings for assessment. It is sufficient if there is some record somewhere, even apart from the assessment order itself, that the ITO has recorded his satisfaction that the assessee is guilty of concealment or other default for which penalty action is called for. Indeed, in certain cases it is possible for the ITO to issue a penalty notice or initiate penalty proceedings even long before the assessment is completed though the actual penalty order cannot be passed until the assessment is finalized. We, therefore, agree with the view taken by the Tribunal that the penalty proceedings do not form part of the assessment proceedings and that the failure of the ITO to record in the assessment order his satisfaction or the lack of it in regard to the leviability of penalty cannot be said to be a factor vitiating the assessment order in any respect. An assessment cannot be said to be erroneous or prejudicial to the interest of the revenue because of the failure of the ITO to record his opinion about the leviability of penalty in the case..." (p. 11)

9. The aforesaid decision has been consistently followed by the Delhi High Court in the cases of Achal Kumar Jain (supra), P.C. Puri v. CIT (1985) 151 ITR 584 (Delhi), Addl. CIT v. Precision Metal Works (1985) 156 MIR 6934, CWT v. A.N. Sarvaria (1986) 161 ITR 694, Addl. CIT v. Sudershan Talkies (1993).200 ITR 153, CIT v. Sudershan Talkies [19931.201 ITTR 289 and Nihal Chand Rekvan (supra).

10. Similar view has been taken by the Rajasthan High Court in the case of CIT v. Keshrimal Parasmal (1986)157 ITR 484%, Gauhati High Court in the case of Surendra Prasad Singh v. CIT (19881_173 ITR 610°, Calcutta High Court in the case of CIT V. Linotype & Machinery Lid. (19911_192 ITR 337 and Madras High Court in the case of CIT v. C.R.K. Swami (2002) 254 ITR 1584.

11. On the other hand the Madhya Pradesh High Court has taken a contrary view in the case of Addl. CIT v.Indian Pharmaceuticals (19801_123 ITR 874. Addl. CIT v. Kantilal Jain [19801 125 ITR 3735, Addl. CWT v. Nathoolal Bala Ram (1980). 125 ITR 596& and CIT v. Narpat Singh Malkhan Singh (19811 128 ITR 777

12. This Court in the case of Saraiva Distillery (supra) has held that an order can be said to be erroneous either when it does not decide a point or record a finding on an issue which ought to have been done or decides it wrongly. In the aforesaid case the Assessing Officer had not charged interest while passing the assessment order. This Court following the decision of Kerala High Court in

the case of CIT v. Cochin Malabar Estates Lid. (1974)27 ITR 466 and Calcutta High Court in the case of Singho Mica Mining Co. Ltd. v. CIT (19781_LL ITR 231 has held that the order passed by the ITO being prejudicial to the interest of the revenue, the Additional Commissioner had jurisdiction under section 263 to pass the order. The Madhya Pradesh High Court in the case of Indian Pharmaceuticals after referring to the decision of the Apex Court in the case of C.A. Abraham v. ITO[1961] 41 ITR 425 and CIT v. Bheekha Bhai Dada Bhai [1961] 42 ITR 123 has held that the assessment does not mean only computation of income but consideration of all facts including the liability for penalty that may attract the provisions contained in section 271(1)(a) of the Act. It has further held that if in any proceeding for assessment the Income Tax Officer fails to take notice of the facts attracting the provisions contained under section 271(1)(a) of the Act, it could not be said that his failure to take notice of the facts which were before him attracting the provisions of section 271(1)(a) of the Act does not amount to an error prejudicial to the interest of the Revenue. It concluded that if therefore the ITO during the pendency of the proceedings has omitted to take notice of facts attracting section 271(1)(a) of the Act during the pendency of the proceedings which ultimately ended in an order of assessment, the order would be erroneous and in this view of the matter, the Commissioner was right in exercising jurisdiction conferred on him under section 263 of the Act. The other decision of the M.P.High Court has followed its earlier decision in the case of Indian Pharmaceutical (supra). The Delhi High Court in the case of Achal Kumar Jain (supra) had considered the decision of the Madhya Pradesh High Court in the case of Indian Pharmaceuticals (supra), Shri Kanti Lal Jain (supra), NathoolalBalaram (supra) and Narain Singh Malkhan Singh (supra) and while disagreeing has held as follows:

"On a cursory examination, it appeared to us that the view of the Madhya Pradesh High Court as indicated in the abovementioned decisions is correct, but on closer scrutiny we respectfully disagree with the same. In any case, the matter is not res integra as far as this court is concerned. In Addl. CIT v. J.K.D. Costa, Income-tax Reference No. 82 of 1974, disposed of by us on 27th April, 1981-reported in (1982) 133 ITR7. We held on similar facts that the Commissioner could not pass an order pertaining to penalty under section263 of the Act. We held that the penalty proceedings do not form part of the assessment proceedings. Further, the failure of the ITO to record his satisfaction or the lack of it in the assessment order, with regard to the leviability of penalty cannot be a factor vitiating the assessment orders."

6.1 Thereafter, Hon'ble High Court in para 18 held as under:

"18. It is well established that the Assessing Officer has to initiate proceedings for imposition of penalty during the course of the assessment itself. If he fails to initiate or record his satisfaction for the initiation of the penalty proceedings during the course of the assessment proceedings it would be a case where the assessment order can be said to be erroneous as he has not decided a point nor recorded a finding on an issue which ought to have been done or decides it wrongly as held by this Court in the case of Saraiya Distillery (supra). Thus

the omission of the Income Tax Officer to initiate penalty proceedings during the course of the assessment renders the assessment order erroneous and prejudicial to the interest of the Revenue.

19. In this view of the matter, we are in respectful agreement with the view taken by the Madhya Pradesh High Court in the case of Indian Pharmaceuticals (supra).

20. In view of the foregoing discussions we are of the considered opinion that the Tribunal was not justified in holding that the failure to initiate penalty proceedings in the course of the assessment did not render the assessment order erroneous and prejudicial to the interest of the revenue. The Commissioner of Income Tax had the jurisdiction to revise such an order."

6.2 The issue in dispute in the instant case is in relation to penalty u/s 270A of the Act which is more or less 'pari materia' with section u/s 271(1)(c) of the Act. For ready reference the section 271(1)(c) of the Act and section 270A are reproduced as under:

Section 271(1)(c)

[Failure to furnish returns, comply with notices, concealment of income, etc.

271. (1) If the (Assessing Officer or the Commissioner (Appeals) any proceedings under this Act, is satisfied that nay person-

(b)…… or

*(c) has concealed the particulars of "his income or so*** "furnished inaccurate particulars of 81/such income, or/7"*

(d)……..

he may direct *that such person shall pay by way of penalty.-*

(1)[****]

84 (ii) in the cases referred to in clause (b), & in addition to tax, if any, payable) by him, la sum of ten thousand rupees) for each such failure ;) ST

(iii) in the cases referred to in clause (c) & or clause (d)], in addition to tax, if any, payable by him, a sum which shall not be less than, but which shall not exceed three times), the amount of tax sought to be evaded by reason of the concealment of particulars of his income 9 or fringe benefits) or the furnishing of inaccurate particulars of such income or fringe benefits).

Section 270A

270A. (1) The Assessing Officer or the Commissioner (Appeals) or the Principal Commissioner or Commissioner may, during the course of any proceedings under this Act, direct that any person who has under-reported his income shall be liable to pay a penalty in addition to tax, if any, on the under-reported income.

> *6.3 Since, both the penalty u/s 271(1) of the Act as well as penalty u/s 270A of the Act could be initiated if the Assessing Officer or other authority prescribed may consider so under the proceeding of the Act. Therefore, the issue decided by Hon'ble Allahabad High Court (supra) being pari materia, respectfully following the finding, the grounds raised by the assessee are dismissed."*
>
> *9.1. Further the case laws of Chennai Tribunal in the case of M/s. Anotra Realtors Pvt. Ltd. is not applicable to the present case, since in that case in the assessment order, the Ld. A.O. has not recorded the satisfaction for initiation of penalty proceedings. In that circumstances, the Chennai Tribunal held that Revision proceedings cannot be invoked, solely for the reasons that penalty proceedings initiated on a wrong penalty proceedings. Whereas in this case, the Ld. A.O. has consciously and correctly invoked Section 271AAC(1) in the reassessment order, however wrongly issued penalty notice u/s. 271(1)(c) of the Act. Therefore we are of the considered opinion, the revisionary jurisdiction invoked u/s. 263 by directing the Assessing Officer to issue correct penalty notice by modifying the reassessment order is well within the provisions of law, which does not require any interference.*

10. Respectfully following the above decision of Co-ordinate Bench of this Tribunal, we do not find any merits in the grounds raised by the assessee. Though the assessing officer would have dropped the penalty u/s. 272A(1)(d) of the Act on reasonable cause, the assesse failed to explain why he has not filed the original return u/s. 139(1) of the Act and not paid taxes even under presumptive taxation basis, which is against the provision of Section 270A(2)(b) of the Act. Therefore the Revision order passed by Ld. PCIT is well within the provisions of law and does not require any interference.

11. In the result, the appeal filed by the Assessee is hereby dismissed.

Order pronounced in the open court on 03-03-2026

Sd/-	**Sd/-**
(DR. BRR KUMAR)	**(T.R. SENTHIL KUMAR)**
VICE PRESIDENT	**JUDICIAL MEMBER**
True Copy	
Ahmedabad :	
Dated 03/03/2026	

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण,
अहमदाबाद