



सत्यमेव जयते

**आयकर अपीलीय अधिकरण "बी" न्यायपीठ पुणेमें।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**PUNE BENCHES "B" :: PUNE**

**BEFORE MS. ASTHA CHANDRA, JUDICIAL MEMBER**  
**AND**  
**DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER**

**आयकर अपील सं. / ITA Nos.3277 & 3278/PUN/2025**

**निर्धारण वर्ष / Assessment Years: 2013-14 & 2014-15**

Sachin Mohanlal Chordia, B-101, Isha Emerald, Bibwewdi, Kondhwa Road, Marketyard, Pune- 411037. PAN: AANPC8554C	V s.	The Income Tax Officer, Ward-5(1), Pune.
Appellant		Respondent

Assessee by	Shri Abhilash Hiran
Revenue by	Shri Amit Bobade & Shri Sanjay Dhivare (Virtual)
Date of hearing	05/03/2026
Date of pronouncement	30/03/2026

**आदेश/ ORDER**

**PER BENCH :**

These two appeals are filed by Assessee against separate Orders of Commissioner of Income Tax (Appeal)(NFAC) passed u/s 250 of the Income tax Act 1961 for AY 2013-14 and AY 2014-15 emanating from Re-assessment Orders u/s 147 rws 144 dated 02/05/2023 and 29/04/2023 respectively.



2. Ld.AR filed additional grounds which are Legal Grounds. Ld.AR submitted that information to adjudicate these grounds is already available hence the grounds should be admitted.

The Additional Grounds are as under :

**Additional Grounds of Appeal**

**1. Ground No 1: Notice issued under section 148 of the Act dated 06 July 2022 for AY 2013-14 is time barred**

1.1 *In the facts and circumstances of the case and in law the learned AO erred in issuing the notice under section 148 of the Act dated 06 July 2022 for AY 2013-14 is time barred after taking into consideration the surviving period for the reassessment notices issued between 01 April 2021 to 30 June 2021 hence the impugned reassessment notice issued and the consequential order passed may be quashed and set aside.*

**2. Ground No 2: Copy of sanction obtained under section 151(ii) of the Act not provided during the reassessment proceedings**

2.1 *In the facts and circumstances of the case and in law, the learned AO erred in not providing the copy of sanction obtained under section 151(ii) of the Act, hence the reassessment notice issued and the consequential order passed may be quashed and set aside.*

**3. Ground No 3: Reasons vaguely recorded as charge for taxing alleged cash deposit was not mentioned**

3.1 *In the facts and circumstances of the case and in law, the learned AO erred in recording reasons vaguely without mentioning the charge (i.e., section) under which the alleged cash deposit was to be taxed, vitiating the reassessment proceedings.*

The Appellant craves leave to add, alter, vary, omit, substitute or amend the above grounds of appeal, at any time before or at, the time of hearing of the appeal, to enable the Hon'ble Tribunal to decide this appeal according to law.

3. The facts pertaining to these Additional Grounds are available in the Assessment Order and CIT(A) order. Hence, respectfully following Hon'ble Supreme Court's decision in the case of NTPC vs CIT 229 ITR 383, we admit the Additional Grounds.



4. Ld.AR and Ld.DR has argued only the Additional Legal Grounds. No submission was made on the merits of the Assessee.

5. Ld.AR submitted that the Notice u/s 148 is Time barred.

Ld.AR filed following chart:

	AY 2013-14	AY 2014-15
<i>Date of initial Notice u/s 148</i>	30/06/2021	29/06/2021
<i>Surviving Period as explained by Hon'ble Supreme Court</i>	1 day	2 days
<i>Date of Notice u/s 148 A(b)</i>	26/05/2022	27/05/2022
<i>Last date of Filling Response</i>	9/6/2022	10/6/2022
<i>Last date for issue of Notice u/s 148</i>	10/6/2022	12/6/2022
<i>Actual date of Issue of Notice u/s 148</i>	6/7/2022	27/7/2022

6. Ld.AR has filed copies of the notices in the paper book. Ld.AR submitted that the Notice u/s 148 was issued beyond the surviving period hence time barred. Ld.AR relied on following decisions:

- (i) Gurpreet Singh vs DCIT 176 Taxmann.com 673 (BOM)
- (ii) Ravi Kumar Jaiswal vs ACIT WP 36517 of 2025 order dated 19 Nov 2025 (BOM)
- (iii) UOI vs Rajeev Bansal 469 ITR 46 (SC)
- (iv) ITAT Pune -Kolte Patil Integrated Township Ltd.

Ld.AR filed copies of these decisions in the separate paper book.

7. The Ld.DR has not doubted the facts mentioned in the above chart regarding the dates.

8. We have heard both the parties and perused the records.



9. Hon'ble Bombay High Court in the case of Ravi Kumar Kailsahnath Jaiswal vs Asst.Commissioner of Income Tax Writ Petition (L) no. 36517 of 2025 order dated 19 NOV 2025 has held as under :

**Quote,** “ 21. Even otherwise, we agree with the contention of Mr Gandhi, that in any event, the notice under Section 148 of the Act dated 25.07.2022 is issued beyond the "surviving period" as laid down in the case of Rajeev Bansal (supra) and therefore, barred by limitation. The Hon'ble Supreme Court in the case of Rajeev Bansal (supra) has dealt with the limitation issue, the relevant findings of which are reproduced hereunder:-

"108. ....”

23. From the table set out above and applying the law laid down by the Hon'ble Supreme Court in Rajeev Bansal the remaining days for conclusion of the procedure for passing of an order in terms of Section 148A(d) and issuance of notice under Section 148 of the Act would be one day. In the present case the period of one day would expire on 9th June 2022. However the notice issued under Section 148 is dated 25th July 2022 and is therefore time barred, in as much as it is issued after the surviving period.

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25. Before closing this matter, it would only be fair to deal with the contention of the Revenue that since no reply is filed to the notice dated 25th May 2022 issued by the Revenue, the concept of the "surviving period" does not apply as set out in Rajeev Bansal (supra). We find that this argument cannot be accepted for the simple reason that there is no such finding in the decision in the case of Rajeev Bansal (supra). In Rajeev Bansal, the Hon'ble Supreme Court has categorically held that the period from the date of the deemed notice under Section 148A(b) to a period of 4 weeks to provide material to the Assessee as directed in Ashish Agarwal, and a further period of 2 weeks to be provided to the Assessee to reply to the said material, were to be excluded. It is therefore difficult to accept that if no reply was filed by the Assessee, then there would be no time limit applicable at all. This is not what has been laid down by the Hon'ble Supreme Court in the case of Rajeev Bansal. Where no reply is filed to answer the material and/or information supplied by the Assessing Officer, then as per the decision of the Hon'ble Supreme Court in Rajeev Bansal the surviving period would start running from the last day to file the said reply, namely, from 8th June 2022. We, therefore, find this argument canvassed on behalf of the Revenue to be without merit.” **Unquote.**



10. Hon'ble Bombay High Court in the case of Gurpreet Singh vs DCIT 176 taxmann.com 673 vide order dated 8/5/2025 held as under :

*Quote, “ 15. In terms of the decisions in Ashish Agrawal and Rajeev Bansal (supra), the following position emerges in the context of the present case :- (i) The period for subject reassessment in terms of Section 149 of the old regime is deemed to be extended till 30/06/2021 under the TOLA. (ii) The notice dated 29/06/2021 would be deemed to be notice under Section 148A(b). (iii) The surviving period by excluding the date of re-issuance of notice on 29/06/2021 would be the remainder days in the month of June 2021 (30/06/2021 - 28/06/2021), namely, two days. (iv) On 30/06/2021, the extension in terms of the TOLA would come to an end. (v) The period that stands excluded is : (a) The period up to 30/06/2021, which is covered by the provisions of the IT Act read with the TOLA. (b) The period from 01/07/2021 to 03/05/2022 being the period before the decision of the Hon'ble Supreme Court in Ashish Agarwal (supra). (c) The Period from 04/05/2022 till 20/05/2022, which is the date when the material was furnished and the reasons for reopening were given to the Petitioner.*

*(d) The period of two weeks time for reply to be filed by the Petitioner, which ended on 04/06/2022 and the extended time to file reply (additional reply was filed by the Petitioner on 28/06/2022). Further extension was given to the Petitioner in pursuance to notice dated 14/07/2021 giving additional time of one week in view of change in the incumbent to the Office, which period ended on 21/07/2022.*

*16. By considering all the exclusions, the remainder days for conclusion of the procedure for passing of an order in terms of Section 148A(d) and issuance of notice under Section 148 would be two days from 21/07/2022 and the same would expire of 23/07/2022. Applying the ratio of the decisions in Ashish Agarwal and Rajeev Bansal (supra) in the context of the 1<sup>st</sup> proviso to Section 149 we are therefore of the opinion that the notice under Section 148 dated 29/07/2022 is time barred. The order under Section 148A(d) as well as the notice issued under Section 148 are dated 29/07/2022 which is much after the surviving period which expired on 21/07/2022,*

*20. At this point we deem it appropriate to note that the Delhi High Court in the case of Ram Balram Buildhome (P.) Ltd. v. ITO [2025] 171 taxmann.com 99 (Delhi)/2025 SCC OnLine Del 481 dealt with an identical issue. It considered the principles laid down in Ashish Agarwal and Rajeev Bansal (supra) and concluded that the notice issued under Section 148 under the IT Act was time barred. In the facts of that case as well, the AY was 2013-2014 and the notice under Section 148 issued to the assessee was dated 01/06/2021. The date of furnishing material to the Petitioner in that case was 30/05/2022. The said*



*Petitioner furnished its response to the notice under Section 148A(b) of the IT Act on 13/06/2022. In this factual backdrop, the Delhi High Court applying the ratio of the decisions in Ashish Agarwal and Rajeev Bansal (supra) came to the conclusion that the remainder period with the Assessment Officer was twenty-nine days from 01/06/2021 when the reassessment proceedings commenced for issuing notice under Section 148 of the IT Act. The limitation for passing of the order under Section 148A(d) expired on 12/07/2022. Accordingly, the notice under Section 148A of the IT Act issued on 30/07/2022 was held to be beyond limitation and the same was quashed. The Delhi High Court also relied on the observations made in the case of Raminder Singh v. Asstt. CIT [2023] 156 taxmann.com 148/[2024] 461 ITR 368 (Delhi)/2023 DHC 6672-DB wherein it was held that one month from the end of the month in which the time available to the assessee to respond to the notice under clause (b) of Section 148A expires is available to the Assessment Officer to pass an order under Section 148A(d) of the IT Act. It was further held that notice under Section 148 of the IT Act that is not accompanied by an order under Section 148A(d) of the Act would be non-compliant with the IT Act and no such notice could be issued beyond the period as specified under Section 149(1) of the IT Act. This decision of the Delhi High Court is consistent with our view based on the interpretation of the decisions in Ashish Agarwal and Rajeev Bansal (supra).*

*21. For all these reasons, we hold that the notice dated 29/07/2022, issued by Respondent no.1 under Section 148 of the IT Act is beyond the time period specified under Section 149(1) of the IT Act. It is therefore quashed. Consequently, the impugned assessment order dated 29/05/2023 passed on the basis of the impugned notice also stands quashed and set aside. Rule is made absolute in aforesaid terms with no order as to costs. ” Unquote.*

11. In the case of the assessee, Order u/s 148A(d) and Notice u/s 148 were issued beyond the surviving period for both AY 2013-14 and AY 2014-15. Hence, respectfully following, Hon'ble Jurisdictional High Court, the impugned Notices u/s 148 are quashed, as a result the consequential Assessment Orders are *void ab initio*.

12. In the result Legal Ground raised by the assessee for AY 2013-14 and AY 2014-15 is allowed.



13. Since we have adjudicated on of the Legal Grounds in favour of the assessee, we do not intend to adjudicate all other grounds raised by the assessee and are left open.

14. Accordingly, Appeal of the Assessee for AY 2013-14 and AY 2014-15 are partly allowed,

Order pronounced in the open Court on 30<sup>th</sup> March, 2026.

**Sd/-**  
**(ASTHA CHANDRA)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(DIPAK P.RIPOTE)**  
**ACCOUNTANT MEMBER**

पुणे / Pune; दिनांक / Dated : 30<sup>th</sup> March, 2026/ *Sujeet*

**आदेशकीप्रतिलिपिअग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT, concerned.
4. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, "बी" बेंच, पुणे / DR, ITAT, "B" Bench, Pune.
5. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

Assistant Registrar  
आयकर अपीलीय अधिकरण, पुणे/ITAT, Pune.