

**IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "D", MUMBAI**

**BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER  
And  
SHRI PRABHASH SHANKAR, ACCOUNTANT MEMBER**

**ITA. No.1993/MUM/2025  
Assessment Year: 2018-19**

<b>R. Kothari &amp; Co.</b> DC-6180, Bharat Diamond Bourse, Bandra Kurla Complex, Bandra (East), Mumbai – 400051.  <b>PAN No. AAAGR 3718 A</b>	Vs.	<b>The Deputy CIT Central Circle 1(1), Mumbai,</b>  Room No.903, 9 <sup>th</sup> Floor, Prathistha Bhavan, Old CGO Annexe, Maharshi Karve Road, Mumbai – 400020.
<b>(Appellant)</b>		<b>(Respondent)</b>

**Present for:**

**Assessee by Revenue by** : Shri Dharan Gandhi, Ld. Adv.  
: Shri Umashankar Prasad,  
(Ld. CIT. D.R).

**Date of Hearing** : 18.03.2026  
**Date of Pronouncement** : 06.04.2026

O R D E R

**Per : Narender Kumar Choudhry, Judicial Member:**

This appeal has been preferred by the Assessee against the order dated 24.02.2025, impugned herein, passed the Ld. Commissioner of Income Tax (Appeals) – 47, Mumbai [in short

Ld. Commissioner] u/s 250 of the Income Tax Act, 1961 [in short 'the Act'] for the A.Y. 2018-19.

2. In the instant case, the case of the Assessee was reopened beyond a period of three years from the end of the relevant Assessment Year by issuing the notice dated 30.04.2022 u/s 148 of the Act, and taking sanction from the Ld. PCIT, Mumbai – 19 but not from the Sanctioning Authority i.e. Ld. Principle CCIT, as provided/specified in Section 151(ii) of the Act, and thus the notice dated 30.04.2022 u/s 148 of the Act, along with Assessment Order dated 08.03.2024 u/s 147 of the Act, by which the addition of Rs.38,00,773/- being unexplained expenditure u/s 69C of the Act has been made, is liable to be quashed in view of the said provisions of section 151(ii) of the Act and the judgment of the Hon'ble Jurisdictional High Court in the case of ***KPMGLLP Vs. Assistant Commissioner of Income-Tax, International Tax Circle 2(1)(2), Delhi and Ors., [Writ Petition (St) No.5390 of 2024 decided on 21.02.2024]*** wherein the Hon'ble High Court has also considered the Assessment Year 2018-19 itself as involved in the instant case and ultimately quashed the order and notices issued u/s 148A(d) and u/s 148 of the Act respectively.

3. As we have allowed the appeal of the Assessee on legal aspect and thus are not delving into other aspects of the case as adjudication of the same would prove to be futile exercise.
4. In the result, the appeal filed by the Assessee is allowed.

**Order pronounced in the open court on 06.04.2026.**

**Sd/-**  
**(PRABHASH SHANKAR)**  
**Accountant Member**

**Sd/-**  
**(Narender Kumar Choudhry)**  
**Judicial Member**

M. Ranganath Vithal  
Sr. Private Secretary.

**Copy of the Order forwarded to :**

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

BY ORDER,

(Dy./Asstt.Registrar)  
ITAT, Mumbai