

आयकर अपीलीय अधिकरण
दिल्ली पीठ "एस एम सी", दिल्ली
श्री विकास अवस्थी, न्यायिक सदस्य

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "SMC", DELHI
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER
आअसं.210/दिल्ली/2026 (नि.व. 2013-14)
ITA No.210/DEL/2026 (A.Y.2013-14)

Nishant Narang,
A-70, Derawal Nagar, New Delhi 110009

PAN: AEUPN-8863-J

बनाम Vs.

Income Tax Office, Ward-36(1),
Civic Centre, Delhi

..... अपीलार्थी/Appellant

..... प्रतिवादी/Respondent

अपीलार्थी द्वारा/Appellant by : S/Shri Amit Goel, Chartered Accountant &
Parnav Yadav, Advocate

प्रतिवादीद्वारा/Respondent by : Shri Manoj Kumar, Sr. DR

सुनवाई की तिथि/ Date of hearing : 16/02/2026

घोषणा की तिथि/ Date of pronouncement : 16/02/2026

आदेश/ORDER

PER VIKAS AWASTHY, JM:

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi (hereinafter referred to as 'the CIT(A)') dated 26.11.2025, for AY 2013-14.

2. Shri Amit Goel, appearing on behalf of the assessee submits that the assessee in appeal has *inter alia* assailed the assessment proceedings on the ground of limitation. The Id. AR submits that the case of the assessee for AY 2013-14 was reopened beyond the period of three years to make the addition of less than Rs.50,00,000/-. The Id. AR furnish a chart giving vital dates to show that the notice issued notice u/s.148 of the Income Tax Act, 1961(hereinafter referred to as 'the Act') is time barred and the assessment proceedings arising from invalid notice are

vitiated. The Id. AR vehemently stated that the case of the assessee is squarely covered by the decision of the Hon'ble Supreme Court of India in the case of *UOI vs. Ashish Aggarwal, 138 taxmann.com 64*.

3. Per contra, Shri Manoj Kumar, representing the department vehemently defending the impugned order prayed for dismissing appeal of the assessee.

4. Both sides heard, orders of the authorities below examined. The assessee in appeal has assailed validity of assessment proceeding on the ground that the reopening is bad in law as the notice issued u/s.148 of the Act is beyond the period of limitation. The date chart furnished by the assessee is as under:-

		Assessee's Case
S.No.	Particulars	Date
A	Date of original notice issued u/s.148	24.05.2021
B	Time remaining till 30.06.2021	37 days
C	Date of notice issued u/s.148A(b)	30.05.2022
D	Due date for filling of reply to notice issued u/s.148A(b)	15.06.2022
E	Reply/objection filed on	15.06.2022
F	Extended date by which notice should have been issued u/s.148 (E+B)	22.07.2022
G	Actual date of notice issued u/s.148	30.07.2022
H	Is notice issued is valid?	No

The dates given above in the table are not disputed by the Department.

5. For the sake of completeness the manner of calculation of due date for issuance of notice u/s.148 of the Act as explained by Hon'ble Delhi High Court in the case of *Ram Balram Buildhome Pvt. Ltd. vs. ITO, 171 taxmann.com 99* is reproduced herein below:-

“65. Thus, in the facts of the present case, the last date for issuance of notice under Section 148 of the Act for AY 2013-14 under the statutory framework, as was existing prior to

01.04.2021 was 31.03.2020, that is, six years from the end of the relevant assessment year.

66. By virtue of Section 3(1) of TOLA time for completion of specified acts, which fell during the period 20.03.2020 to 31.12.2020 were extended till 30.06.2021². Thus, the notice dated 01.06.2021 was issued twenty-nine days prior to the expiry of period of limitation for issuing a notice under Section 148 of the Act as was extended by TOLA. As noted above, the period from 01.06.2021, the date of issuance of notice, and 04.05.2022, being the date of decision of the Supreme Court in *Ashish Agarwal (supra)* is required to be excluded by virtue of the third proviso to Section 149(1) of the Act.

67. Additionally, the period from the date of decision in *Ashish Agarwal (supra)* till the date of providing material, as required to be accompanied with a notice under Section 148A(b) of the Act, is required to be excluded. Thus, the period between 04.05.2022 to 30.05.2022, the date on which the AO had issued the notice under Section 148A(b) of the Act in furtherance of his earlier notice dated 01.06.2021, is also required to be excluded by virtue of the third proviso to Section 149(1) of the Act as held by the Supreme Court in *Rajeev Bansal (supra)*.

68. In addition to the above, the time granted to the petitioner to respond to the notice dated 30.05.2022 - the period of two weeks - is also required to be excluded by virtue of the third proviso to Section 149(1) of the Act. The petitioner had furnished its response to the notice under Section 148A(b) of the Act on 13.06.2022. Thus, the period of limitation began running from that date.

69. As noted above, by virtue of TOLA, the AO had period of twenty-nine days limitation left on the date of commencement of the reassessment proceedings, which began on 01.06.2021, to issue a notice under Section 148 of the Act. The said notice was required to be accompanied by an order under Section 148A(d) of the Act. Thus, the AO was required to pass an order under Section 148A(d) of the Act within the said twenty-nine days notwithstanding the time stipulated under Section 148A(d) of the Act. This period expired on 12.07.2022.

70. Since the period of limitation, as provided under Section 149(1) of the Act, had expired prior to issuance of the impugned notice on 30.07.2022. The said is squarely beyond the period of limitation.

71. It is contended on behalf of the Revenue that the AO is required to pass an order under Section 148A(d) of the Act by the end of the month following the month on which the reply to the notice under Section 148A(b) of the Act was received. Thus, the order under Section 148A(d) of the Act as well as the notice under Section 148 of the Act (both dated 30.07.2022) are within the prescribed period. This contention is without merit as it does not take into account that proceedings under Section 148A of the Act necessarily required to be completed within the period available for issuing notice under Section 148 of the Act, as prescribed under Section 149 of the Act. Thus, the time available to the AO to pass an order under Section 148A(d) of the Act was necessarily truncated and the same was required to be passed on or before 12.07.2022. The fourth proviso to Section 149 of the

Act did not come into play as the time period available for the AO to pass an order under Section 148A(d) of the Act was in excess of the seven days.

72. *In view of the above, we find merit in Mr. Sehgal's contention that the impugned notice dated 30.07.2022 has been issued beyond the period of limitation.*

73. *The petition is accordingly allowed and the impugned order dated 30.07.2022 passed under Section 148A(d) of the Act; the impugned notice dated 30.07.2022 issued under Section 148 of the Act; and the assessment order dated 30.05.2023 framed under Section 147 of the Act pursuant to the notice dated 30.07.2022 for AY 2013-14, are set aside. Pending application is also disposed of."*

(Emphasized by us)

6. Considering the time line of notice issued u/s.148 of the Act with reference to TOLA, I find that the notice issued by the AO u/s.148 of the Act dated 30.07.2022 is barred by limitation. Hence, the same is invalid. Any assessment proceedings consequent to invalid notice are vitiated. Accordingly, I find merit in the submissions of the AR of the assessee on jurisdictional issue. Accordingly, I have no hesitation in holding that the assessment made consequent to invalid notice u/s. 148 of the Act is non-est.

7. In the result, assessment order is quashed and appeal of the assessee is allowed.

Order pronounced in the open court on Monday the 16th day of February, 2026.

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

दिल्ली/Delhi, दिनांक/Dated 13/04/2026

NV/-

प्रतिलिपि अग्रेषितCopy of the Order forwarded to :

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. The PCIT/CIT(A)
4. विभागीय प्रतिनिधि, आय.अपी.अधि., दिल्ली /DR, ITAT, दिल्ली
5. गार्ड फाइल/Guard file.

BY ORDER,

//True Copy//

(Asstt. Registrar) ITAT, DELHI