

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : G : NEW DELHI

BEFORE SHRI ANUBHAV SHARMA, JUDICIAL MEMBER
AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER

ITA No.8478/Del/2025
Assessment Year : 2015-16

DCIT,
Central Circle-28,
New Delhi.

Vs. Shri Harish Chandra Agarwal,
F-39, G8 Area, Hari Nagar,
New Delhi – 110 064.

PAN: ADXPA9236A

Assessee by : Shri Salil Kapoor, Advocate &
Shri Shivam Yadav, Advocate
Revenue by : Shri Mahesh Kumar, CIT-DR

Date of Hearing : 06.04.2026
Date of Pronouncement : 15.04.2026

ORDER

PER ANUBHAV SHARMA, JM:

This appeal is preferred by the Revenue against the order dated 14.08.2025 of the Ld. Commissioner of Income-tax (Appeals)-25, New Delhi (hereinafter referred to as the First Appellate Authority or 'the ld. FAA' for short) in appeal No.10740/2014-15, filed before him against the order dated 26.03.2023 passed

u/s 153C of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') by the DCIT, Central Circle-28, New Delhi (hereinafter referred to as the Ld. AO, for short).

2. On hearing both the sides, we find that although the Ld. DR has relied the grounds as raised, however, from the order of the Ld.CIT(A) it comes up from the assessment order that pursuant to a search and seizure operation carried out on the Alankit group, stated to be a conglomerate of several group companies with diversified activities, Shri Alok Kumar Agarwal, his son Shri Ankit Agarwal, Alankit Assignments Ltd. and Alankit Ltd. and close associates on 18.10.2019, incriminating evidences revealing a network of accommodation entry modus operandi involving routing of unaccounted cash were found. Incriminating evidences in the name of the assessee were also found, in whose case proceedings u/s 153C of the Act were therefore commenced. In view of the aforesaid, notice u/s 153C of the Act was issued on 30.12.2021 to the assessee. In response, the assessee filed Return of Income (RoI) on 21.01.2022 declaring total income of Rs.22,59,770/-. Assessment order was subsequently passed by the AO on 26.03.2023 determining the income of the assessee for the year at Rs. 27,57,260/- against the returned income.

3. As per record and copies of documents submitted by the assessee the Satisfaction note was recorded by the AO on 24.12.2021 and the notice u/s 153C

was issued on 30.12.2021, i.e. in the F.Y. 2021-22 relevant to AY 2022-23. Therefore, by this yardstick, six years period as referred to in section 153C(1) of the Act would be from AY 2016-17 to 2021-22.

4. Thus, *Id.* CIT(A) has taken the condition spelt out in the statute and as interpreted by the Hon'ble Supreme Court and the Hon'ble Delhi High Court in consideration and held that the case in hand conditions for reopening beyond six years was not fulfilled in the instant case. The case of the impugned A. Y 2015-16 falls beyond the period of six years preceding the assessment year relevant to the previous year in which the satisfaction note was drawn / notice u/s 153C issued. The period of six years that could be reopened by the AO thus terminates with the AY 2016-17.

5. Hon'ble Supreme Court in *CIT vs. Jasjit Singh* (2023) 458 ITR 423 (SC) and Hon'ble Delhi High Court decision in case of *CIT Vs. RRJ Securities Ltd.* (2016) 380 ITR 612 (Del) and *PCIT (Central-1) Vs. Ojjus Medicare Pvt. Ltd.* (2024) 465 ITR 101 (Del) have held that the date of reckoning of calculating 6 assessment years for reopening post search assessment in case of Non searched person would be when the seized material was handed over to the assessing officer of the non-searched person or the recording of satisfaction note u/s 153C of the Act by concerned assessing officer of the searched person. The reliance on

aforesaid decisions by Id. CIT(A) cannot be questioned by way the grounds as raised. The appeal has no merit. The same is dismissed.

Order pronounced in the open court on 15.04.2026.

Sd/-
(AMITABH SHUKLA)
ACCOUNTANT MEMBER

Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER

Dated: 15th April, 2026.

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Copy forwarded to:

1. Assessee
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi