

2. The assessee has raised as many as 8 grounds of appeal, but he argued only ground no. 3 & 3.1, which read as under :-

“3. Undated Transfer Pricing order (though mentioned in order as dated 22.01.2021) purportedly passed under section 92CA of the Act is invalid and non-est in law, as same is not in conformity with provisions of the Act.

3.1 Ld. DRP/AO/TPO failed in not appreciating that unauthenticated and undated transfer pricing order (without bearing digital signature) is not valid as per the provisions of the Act, notifications and circulars issued thereunder.”

3. The brief facts of the case are that order u/s. 92CA(3) of the Act was passed on 29.1.2021, thereby proposing a total adjustment of Rs. 82,28,10,989/- on account of benchmarking the international transaction of AMP expense and Rs. 2,72,48,219/- on account of benchmarking interest paid on CCDs. Thus, totaling amount of Rs. 85,00,59,208/- on substantive basis. (Since the BLT approach on AMP issue is sub-judice before various appellate forums, the benchmarking has been initially done on a protective basis resulting in an adjustment of Rs. 1,28,10,27,694/- u/s. 92CA of the Act. The assessee filed objections before the DRP-1, New Delhi wherein the assessee had filed objections before the DRP, New Delhi against the Draft Assessment Order passed by the Assessing Officer. The DRP has issued certain directions dated 16.2.2022. the DRP upheld the actions of the TPO and rejected the assessee's objections. Thus, as per the directions of the DRP, the earlier adjustment made in TP order u/s. 92CA(3) remains unchanged. Thereafter, the National Faceless Assessment Centre, assessed the income of the assessee at Rs. 77,56,91,414/- u/s. 143(3) r.w.s. 144C(13) read with section 144B of the Act vide order dated 09.03.2022. Aggrieved, assessee is in appeal before the Tribunal.

4. Ld. AR submitted that the impugned assessment order is not signed by the TPO. It was further submitted that the order passed/issued by the TPO was released without any signatures.

5. Ld. DR relied upon the order of the TPO and submitted that that the signed order was sent by the registered post to the assessee, so this argument is not tenable.

6. We have heard the rival contentions and perused the records. It is evident from the records that no signed order of the TPO was filed before the Tribunal. It is also evident that DRP in its directions dated 16.6.2022 stated that faceless assessment introduced by the Legislature vide the Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act 2020 w.e.f. 1.4.2021 in as much as TP order dated 22.1.2021 was not authenticated, as per the prescribed procedure-e assessment scheme and such finding of the DRP are against the facts of the case, as the order was released without any authentication on 22.1.2022 while the faceless assessment was introduced w.e.f. 1.4.2021, thus, this finding of the DRP has no relevance in this case. Upon perusal of the records, it is abundantly clear that the Ld. TPO released the order without any authentication and this order is not an appropriate order in the eyes of law and is liable to be quashed. We hold and direct accordingly. Our aforesaid view is fortified by the decision of the Coordinate Bench of the Tribunal in the case of Navyug Technologies Private Limited vs. ITO decided in ITA No. 4579/Del/2024 (AY 2012-13) dated 16.2.2026 wherein, it has been held as under:-

“6. After hearing the rival contentions and gone through the facts of the case, we noted that in terms of the e-proceedings procedure laid down by the CBDT, the Assessing Officer is manually required to sign the assessment order digitally where scrutiny assessment is conducted electronically. Since in the instant case the assessment has been made under e-proceedings facility, however, the assessment order has been signed manually, which vitiates the assessment on this ground.

7. In view of the aforesaid factual matrix and respectfully, following the aforesaid Coordinate Bench decision in the case of *Outsystems Singapore Pte. Ltd. vs. DCIT, Circle International Tax 2(2)(2), Delhi in ITA NO. 1601/Del/2025 (AY 2022-23) dated 10.12.2025*, we quash the assessment and allow the additional ground raised by the assessee.

8. Since we have already quashed the assessment on the legal ground, the other grounds have become academic, hence, need not be adjudicated.”

7. In the result, the ITA No. 929/Del/2022 (AY 2017-18) is allowed in the above terms.

8. As regards ITA No. 2355/Del/2022 (AY 2018-19) is concerned, our aforesaid decision taken in assessment year 2017-18 will apply *mutatis mutandis* to the appeal relating to assessment year 2018-19, thus the ITA No. 2355/Del/2022 (AY 2018-19) is also allowed in the same manner, as aforesaid.

9. In the result, both the Assessee's appeals are allowed in the aforesaid manner.

Order pronounced in the open court on 17-04-2026.

Sd/-

Sd/-

(M. BALAGANESH)
ACCOUNTANT MEMBER
SR BHATNAGGAR

(SUDHIR KUMAR)
JUDICIAL MEMBER

Date:- 17.4.2026

Copy forwarded to:

- 1.Appellant
- 2.Respondent
- 3.CIT
- 4.CIT(Appeals)
- 5.DR: ITAT

ASSISTANT REGISTRAR,
ITAT NEW DELHI