

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'G', NEW DELHI**

**BEFORE MS. MADHUMITA ROY, HON'BLE JUDICIAL MEMBER
&
SHRI NAVEEN CHANDRA, HON'BLE ACCOUNTANT MEMBER**

ITA No. **5876/DEL/2025** ; Assessment Year: **2013-14**

Amita Jain B-102 Upper Ground Floor, Derawal Nagar, Gujranwala Colony, Model Town II, North West Delhi- 09	Vs	ITO WARD-36(1)
(APPELLANT)		(RESPONDENT)
PAN No. AIHPJ8874E		

Assessee Represented by : **Sh. Sanchit Jain, CA**
Ms. Neha Jain, CA

Revenue/Department Represented by : **Sh. Manish Gupta, Sr. DR**

Date of Hearing: 29.01.2026	Date of Pronouncement: 18.02.2026
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ORDER

PER NAVEEN CHANDRA [A. M]:

The above captioned appeal is preferred by the assessee against the orders dated 31.07.2025, by Ld. CIT(A)/NFAC, Delhi u/s 250 of the Income Tax Act, 1961 [hereinafter referred to as, "Act"] for A.Y. 2013-14. The assessment is framed by the Assessing Officer [for shot, AO] u/s 147 r.w.s 144 of the Act.

2. The assessee has raised following grounds of appeal: “

1. *On the facts and circumstances of the case, the order passed by the learned Commissioner of Income Tax (Appeals) [CTT(A)] is bad both in the eye of law and on facts.*
 2. *That the Id CIT(A) erred on facts and in law in by upholding the action of the Assessing Officer (AO") without adequately considering the crucial fact that the notice under section 148 of the Income Tax Act, 1961 ("the Act"), dated 29.07.2022 was barred by limitation, being time limit prescribed by the Hon'ble Supreme Court in the case of **Union of India Vs Rajeev Bansal, on 3rd October 2024.***
 3. *That the Ld. CIT(A) has erred on facts and in law not quashing the reassessment proceedings, as the notice issued under section 148 dated 29.07.2022 was **without Document Identification Number ("DIN")**, hence invalid and bad in law*
 4. *That the Ld CIT(A) has erred on facts and in law in confirming the assessment order on the basis of notice issued under section 148, dated 29.07.2022 issued by the **Jurisdictional Assessing Officer as aproos the NFAC.***
 5. *That the Ld. CIT(A) has erred on facts and in law in confirming the action of the AO in treating Long-Term Capital Gain ("LTCG") of Rs. 86,02,324/- exempt under section 10(38) as income under section 68 of the Act, **without appreciating the evidence furnished by the appellant.***
 6. *That the Ld. CITTA) has erred on facts and in law in upholding the addition merely on the basis of third-party statement and reports without providing the appellant opportunity of cross examination, which is violation of principle of natural justice."*
3. Ground no 3 and 4 were not pressed, hence dismissed as not pressed.
4. The short issue in the case is that the notice issued u/s 148 is time-barred in view of the decision of the Hon'ble Supreme Court in the case of **Rajeev Bansal vs Union of India** in Civil appeal 8629/2024 dated

03.10.2024. The Ld. AR argued that the initial notice u/s 148 was issued on 28.06.2021 which as per the decision of the Hon'ble Supreme Court in the case of **Ashish Aggarwal** (2022 SCC Online SC 543) was considered as show cause notice. Thereafter, the AO initiated show cause u/s 148A(b) dated 29.05.2022 of the Act in response to which the assessee replied vide letter dated 08.06.2022 received by the AO on 10.06.2022. The AO passed order u/s 148A(d) and issued notice u/s 148 on 29.07.2022. The Ld AR argued that in accordance with the decision of the **Rajeev Bansal** (supra), the surviving period, in which the AO had to issue notice u/s 148 from the date of the assessee's furnishing reply to the show-cause notice, remained only two days. The Ld. AR argued that in the instant case, as the AO had only time till 12.06.2022 and since the notice u/s 148 was issued beyond the surviving period, the same will not survive.

5. Per contra, the Ld. DR has argued in the instant case that the surviving period issue is not involved and distinguished the case of **Rajeev Bansal** by stating the case was on the basis of information from search.

6. We have heard the rival submissions and perused the material on record. The initial notice u/s 148 of the Act was issued on 28.06.2021 giving a surviving period, calculated according to the **Rajeev Bansal** decision, from date of issuance of deemed show cause notice till expiry of period as extended by TOLA (i.e., from 28.06.2021 to 30.06.2021), of

2 days. In response to the SCN dated 29.05.2022, the assessee filed its reply on 10.06.2022 which means the AO had to issue order u/s 148A(d) as well as notice u/s 148 within 2 days of filing of reply by the assessee i.e., by 12.06.2022. The AO however, issued notice u/s 148 on 29.07.2022. In such factual matrix of the instant case, the impugned notice u/s 148 being issued after the limitation period, cannot but be considered as barred by limitation and is liable to be quashed. We order accordingly and we also quash the assessment order emanating out of such notice u/s 148 of the Act. The grounds 1 of the assessee is allowed.

7. Since the appeal has been allowed on legal grounds, no adjudication is made on merits.

8. In the result, the grounds of the appeal raised by the assessee is partly allowed.

Order pronounced in the Open Court on 18- 02-2026.

Sd/-
(MADHUMITA ROY)
JUDICIAL MEMBER

Sd/-
(NAVEEN CHANDRA)
ACCOUNTANT MEMBER

Dated: 18. 02.2026

Pooja Mittal

Copy forwarded to:

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

Asstt. Registrar, ITAT, New Delhi