



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 1860 OF 2026 (T-IT)

BETWEEN:

JITENDRA MOHANDAS VIRWANI
S/O MOHANDAS VIRWANI,
AGED ABOUT 59 YEARS,
RESIDING AT
NO.341, EMBASSY WOODS,
6A CUNNINGHAM ROAD,
VASANTH NAGAR,
BANGALORE-560 051.

...PETITIONER

(BY SRI. A. MAHESH CHOWDHARY, ADVOCATE A/W
KUM. KRISHIKA VAISHNAV, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER OF INCOME TAX
CENTRAL CIRCLE 1(3)
CENTRAL REVENUE BUILDING
QUEENS ROAD
BENGALURU-560 001.
2. PRINCIPAL COMMISSIONER OF INCOME TAX
CENTRAL CIRCLE
CENTRAL REVENUE BUILDING
QUEENS ROAD
BENGALURU-560 001.

...RESPONDENTS

(BY SRI. DILIP, ADVOCATE)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 22.12.2025, F.NO.119(2)(b)/PR.CIT(C)/2025-26/10 PASSED BY THE PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL), BENGALURU, REJECTING THE PETITIONER'S APPLICATION UNDER SECTION 119(2)(B) OF THE INCOME-TAX ACT, 1961 VIDE ANNEXURE-P AS IT IS ARBITRARY AND ILLEGAL AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Petitioner has called in question the correctness of the order dated 22.12.2025 at Annexure-P passed by the Principal Commissioner of Income Tax (Central), Bangalore, rejecting the application filed under Section 119(2)(b) of the Income Tax Act, 1961 seeking condonation of delay for filing revised returns.

2. The order at Annexure-P impugned in the present writ petition would observe that in light of the CBDT Circular No. 11/2024 dated 01.10.2024, there is no provision to entertain an application beyond 5 years from the end of the relevant assessment year.



3. It is the case of the petitioner that the petitioner had filed an original return of income for the assessment year 2018-19 disclosing advance tax and self-assessment tax paid. It is submitted that subsequently petitioner had received intimation under Section 143(1)(a) for the assessment year 2018-2019 raising a demand. It is at that point of time, petitioner realised that there was an error in the declaration made in the return filed insofar as the details that were to be filled under 'Schedule E1' relating to Exempt Income.

4. Learned counsel for the petitioner has filed along with a memo the table demonstrating the error in the declaration. The same is extracted below:

ORIGINAL RETURNS FILED ON 30.09.2018

Acknowledgement number:316329811300918

Assessment Year:2018-19

2	Embassy Buildcon LLp	AAGFE0427K	No	No	0	0	0
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3	Saltire Estate and resorts LLP	ACSFS3615D	No	No	0	0	0
4	Sporthorse Stud Book(India) LLP	ACZFS3170J	No	No	0	0	0
5	Embassy Motion Picture LLP	AAEFE0298A	No	No	0	0	0
6	Mall Venture	AAPFM3773M	No	No	0	0	0
7	Global Façade Solutions	AFFG7028R	No	No	0	0	0
8	OMR Investment LLP	AACF08864E	No	No	0	0	0
Total							
Schedule EI:Details of Exempt Income (Income not to be included in Total Income)							
1	Interest Income		1	0			
2	Dividend Income from domestic company (amount not exceeding Rs.10 lakh)		2	36487775			
3	Long-term capital gains from transactions on which Securities Transaction Tax is paid		3	0			
4	I	Gross Agricultural receipts (other than income to be excluded under rule 7A, 7B or 8 of I.T. Rules)	I	0			
	II	Expenditure incurred on agriculture	II	0			
	III	Unabsorbed agricultural loss of previous eight assessment years	III	0			
	IV	Net Agricultural Income for the year (I-II-III) (enter nil if loss)	4	0			
5	Others, including exempt Income of minor child (please specify)						
	S.No	Nature of Income	Amount				
	Total		0				
6	Total (1+2+3+4+5)		6	36487775			
Schedule PTI:Pass Through Income details from business trust or Investment fund as per section 115UA, 115UB							

RECTIFIED RETURNS FILED ON 10.09.2020

Acknowledgement number:537765310100920

Assessment Year:2018-19



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2	Embassy Buildcon LLP	AAGFE0427K	No	No	0	260404	0
3	Saltire Estate and resorts LLP	ACSFS3615D	No	No	0	0	0
4	Sporthorse Stud Book(India) LLP	ACZFS3170J	No	No	0	67734	0
5	Embassy Motion Picture LLP	AAEFE0298A	No	No	0	0	0
6	Mall Venture	AAPFM3773M	No	No	0	0	0
7	Global Façade Solutions	AAFFG7028R	No	No	0	10457898	0
8	OMR Investment LLP	AACF08864E	No	No	0	23014542	0
	Total					33800578	
Schedule EI:Details of Exempt Income (Income not to be included in Total Income)							
1	Interest Income		1	0			
2	Dividend Income from domestic company (amount not exceeding Rs.10 lakh)		2	940187			
3	Long-term capital gains from transactions on which Securities Transaction Tax is paid		3	0			
4	I	Gross Agricultural receipts (other than income to be excluded under rule 7A, 7B or 8 of I.T. Rules)	I	0			
	II	Expenditure incurred on agriculture	II	0			
	III	Unabsorbed agricultural loss of previous eight assessment years	III	0			
	IV	Net Agricultural Income for the year (I-II-III) (enter nil if loss)	4	0			
5	Others, including exempt Income of minor child (please spedly)						
	S.No	Nature of Income		Amount			
	1	Others		234084			
	2	Amount of Share of Profit		33800578			
	3	LIC		1504334			
	4	Edelweiss		8592			



5. It is the case of the petitioner that the declaration of dividend income from domestic company at Sl. No.2 of Schedule-E1 was wrongly mentioned as Rs.3,64,87,775 instead of Rs.9,40,187/-. It is further submitted that a perusal of the original returns and the rectified returns would indicate the nature of mistake.

6. Learned counsel for the petitioner submits that initially petitioner had filed an application seeking for rectification of the returns, copy of which is enclosed at Annexure-F. It is submitted that subsequently in terms of Annexure-G, application for rectification came to be rejected on the ground that the present application would be limited to correction of mistakes apparent from records under Section 154 and the mistake made out would not fall within such scope. Thereafter petitioner filed a grievance application and in response to the same, respondent by a communication dated 30.04.2024 had



observed that the assessee is required to submit a rectification application.

7. Learned counsel for the respondent submits that the Circular dated 01.10.2024 would provide a period of 5 years from the end of the assessment year as a limitation for entertaining the revised return.

8. Learned counsel for the petitioner would submit that Annexure-L communication is within the said period of 5 years, which would end on 30.04.2024. Insofar as the said aspect is concerned, learned counsel for the revenue would submit that the period would end on 31.03.2024.

9. Thereafter, petitioner has filed an application for condonation of delay for filing revised return on 16.12.2025, which has been rejected.

10. From the narration of facts as made out above, it is the case of the petitioner that the petitioner sought to correct the mistake either by way of rectification or



eventually by way of a revised return which was set into motion within the time limit of 5 years from the end of the relevant assessment year. Accordingly, it is submitted that even if it is found that the authority concerned did not have the power to condone the delay by virtue of the CBDT circular being binding on the authorities, however this Court in exercise of power under Article 226 of the Constitution of India could intervene in the present matter and pass appropriate orders.

11. Sri. Dilip M, learned counsel for the revenue would submit that the order impugned is an order passed strictly in accordance with law. The authority is bound by the CBTT circular issued under Section 119(2)(b) of the Income Tax Act and no fault can be attributable to the authority concerned.

12. Having noticed the table extracted at para-4 above, prima facie it could be seen that there appears to be mistake in the declaration as regards exempt income



with respect to Schedule-EI. Learned counsel for the revenue is unable to controvert as regards the contention on merits raised by the petitioner regarding the wrong declaration. The issue is only one as to whether petitioner is to be permitted to file a revised return.

13. The narration of facts as noticed above would indicate that the petitioner has taken appropriate steps to have the mistake rectified. Though the petitioner was under a wrong impression that a rectification would suffice, however eventually authority has conveyed to the petitioner that rectification may not have been an appropriate remedy. The fact that the application for rectification and the grievance raised by the petitioner were within the time limit of 5 years, even as per the circular under Section 119(2)(b) would by itself be sufficient to intervene in this matter. Rightfully so, the authority concerned could not have gone beyond the condition laid down in the circular. However, noticing the mis-declaration which appears to be a bonafide error,



without entering into the merits of the contents of the revised return, suffice it to say that the order at Annexure-P could be set aside and the matter be remitted for consideration of revised return of the petitioner at Annexure-D by the authority for the assessment year 2018-19 in accordance with law.

14. Accordingly, the order at Annexure-P is set aside. The matter is remitted in terms of the observations made above. All contentions are kept open.

15. In light of the above, the petition is ***disposed of.***

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

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