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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010064432023
+ **W.P.(C) 2480/2023 & CM APPL. 9495/2023**

HARKANWARPAL SINGH LAMBA Petitioner
Through: **Mr. Jaspal Singh Sethi, Ms. Rashmi Jha & Ms. Lakshika Kaushik, Adv.**

versus

ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 49(1) DELHI Respondent
Through: **Mr. Abhishek Maratha, SSC with Mr. Apoorv Agarwal & Mr. Viplav Acharya, JSCs, Ms. Nupur Sharma, Mr. Amanpreet Gaur & Mr. Himanshu Gaur, Adv.**

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

% **01.09.2026**

1. Mr. Abhishek Maratha, learned senior standing counsel for the respondent, submitted that he has received the following instructions from the Department while informing that the proceedings against the petitioner/assessee has been closed.

“The case was re-opened for the following reason: A letter /information was received from the O/o DDIT (Inv.) Unit-3(3), New Delhi, in which he has stated that, this directorate conducted investigations for the shares of M/s Yamini Investment Company Ltd. and found that the said scrip is controlled by external entities to provide its beneficiaries bogus Long Term Capital Gains to introduce there unaccounted income to their books of accounts. The assessee Shri. Harkanpal Singh Lamba



also underwent transactions of Rs.1,54,28,200/- in the scrip of M/s Yamini Investment Company Ltd. during AY 2016-17 and availed exempt Long Term Capital Gains under section 10(38) of the IT Act, 1961. On verification of the records it is seen that in the case of the assessee, Assessment u/s 143(3) was completed on 28/12/2018 on the same issue and addition of Rs.1,27,62,289/- was made on the same issue. Thereafter, aggrieved by the order of the Assessing Officer, the assessee filed appeal before the Hon'ble CIT (A). The Hon'ble CIT (A) has given complete relief to the assessee vide order dated 29/11/2019. Accordingly OGE is passed on 31/12/2020. Subsequently, the Department filed appeal before the Hon'ble ITAT which is still pending. The next date of hearing is fixed on 13/07/2023. However the case is re-opened for the same reason and notice u/s 148 was issued to the assessee on 30/07/2022. The assessee has objected for the re-opening. The assessee also stated that two proceedings for the same issue cannot be made. It is just duplication of the proceedings. The assessee further stated that he be provided with any additional information based on which the case is re-opened. The same was conveyed to the JAO and clarification was sought. The JAO was also appraised of the fact that in the absence of any additional information not being shared, the proceedings will be closed. In case if any objections are there, the same may be intimated by 29/05/2023. However no reply is received from the JAO till date. Since the case is pending before the Hon'ble ITAT, the re-opened proceedings u/s 148 is hereby proposed for closure. Put up for close proceedings.”

2. In view of the aforesaid, the petition stands disposed of, as having become infructuous. Pending application is also disposed of.

DINESH MEHTA, J.

VIMAL KUMAR YADAV, J.

SEPTEMBER 01, 2026

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