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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 17639/2022

IBIBO GROUP PRIVATE LIMITED .....Petitioner

Through: Mr. Salil Kapoor, Mr. Sumit Lalchandani, Mr. Salil Kapoor, Mr. Tarun Chanana, Ms. Ananya Kapoor, Mr. Utkarsa Gupta, Mr. Shivam Yadav, Advs.

versus

ASSISTANT COMMISSIONER OF INCOME TAX CIRCLE 10-1, & ANR. .....Respondents

Through: Mr. Sanjay Kumar, Sr. SC with Ms. Monica Benjamin, Jr. SC and Ms. Easha Kadian, Jr. SC

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **13.12.2024**

1. The instant writ petition assails the reassessment action initiated under Section 148 of the Income Tax Act, 1961 [“**Act**”] for Assessment Year [“**AY**”] 2015-2016. The petitioner has impugned the order referable to Section 148A(d) of the Act dated 23 July 2022 and the consequential notice under Section 148 of the Act which came to be issued on the same date.

2. We bear in mind the following concession which came to be recorded on behalf of the respondent before the Supreme Court in **Union of India and Others vs. Rajeev Bansal** [2024 SCC OnLine SC 2693] and relevant parts whereof are reproduced hereinbelow:-

"(e) The Finance Act, 2021 ((2021) 432 ITR (Stat) 52) substituted the old regime for reassessment with a new regime. The first proviso to section 149 does not expressly bar the application of Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020. Section 3 of the Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 applies to the entire Income-tax Act, including sections 149 and 151 of the new regime. Once the first proviso to section 149(1)(b) is read with Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020, then all the notices issued between April 1, 2021 and June 30, 2021 pertaining to the assessment years 2013-2014, 2014-2015, 2015-2016, 2016-2017, and 2017-2018 will be within the period of limitation as explained in the tabulation below:

Assessment Year	**Within 3 Years**	**Expiry of Limitation read with TOLA for (2) (3)**	**Within Six Years (4)**	**Expiry of Limitation read with TOLA for (4) (5)**
2013-2014	31.03.2017	TOLA not applicable	31.03.2020	30.06.2021
2014-2015	31.03.2018	TOLA not applicable	31.03.2021	30.06.2021
2015-2016	31.03.2019	TOLA not applicable	31.03.2022	TOLA not applicable
2016-2017	31.03.2020	30.06.2021	31.03.2023	TOLA not applicable
2017-2018	31.03.2021	30.06.2021	31.03.2024	TOLA not applicable

(f) The Revenue concedes that for the assessment year 2015-2016, all notices issued on or after April 1, 2021 will have to be dropped as they will not fall for completion during the period prescribed under the Taxation and other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020."

3. In view of the aforesaid, it is evident that the impugned reassessment action for AY 2015-16 would not sustain.

4. The writ petition is accordingly allowed. The impugned order under Section 148A(d) of the Act dated 23 July 2022 and consequential notice referable to Section 148 of even date are hereby quashed and set aside.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

DECEMBER 13, 2024

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