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

\+ W.P.(C) 16662/2024 & CM APPL. 70456-57/2024

GALAXY DREAM HOME DEVELOPERS PVT. LTD. ...Petitioner

Through: Mr. Rakesh Gupta, Mr. Somil Agarwal and Mr. Dushyant Agarwal, Advocates

versus

ASSISTANT COMMISSIONER OF INCOME TAX CENTRAL CIRCLE 25, DELHI AND ORS. .....Respondents

Through: Mr. Gaurav Gupta, SSC with Mr. Shivendra Singh and Mr. Yojit Pareek, JSCs for R-1

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

<u>O R D E R</u>

% **03.12.2024**

1. The petitioner has filed the present petition impugning a notice dated 31.08.2024 (hereafter *the impugned notice*) issued under Section 148 of the Income Tax Act, 1961 (hereafter *the Act*) seeking to re-open assessment for the assessment year (AY) 2014-15.

2. The petitioner contends that the impugned notice is beyond the period of limitation. Concededly, the issue is covered in favour of the petitioner by the earlier decisions of this court in ***Dinesh Jindal v. Assistant Commissioner of Income Tax & Others : 2024 SCC OnLine Del 4230*** and ***Principal Commissioner of Income Tax-Central-1 v. Ojjus Medicare Private Limited : 2024 SCC OnLine Del 2439***. The petitioner also relies on the decision of this court in ***Ravi Steel and Renewable Private Limited v. ACIT Central Circle 15, New Delhi and Others : W.P.(C) 14361/2024***

decided on 14.10.2024, and submits that the assessment for a period of ten years is required to be reckoned from the date of the notice. However, he also refers to paragraph 10 of the said decision, which is set out below:

> "10. Concededly, said issue is covered by the earlier decisions of this Court in ***Dinesh Jindal v. Assistant Commissioner of Income Tax & Ors.: 2024 SCC OnLine Del 4230*** and ***Principal Commissioner of Income Tax- Central-1 v. Ojjus Medicare Pvt. Ltd.: 2024 SCC OnLine Del 2439.*** In terms of the said decisions, the period of ten years is required to be computed from the end of the assessment year in which the notice under Section 148 of the Act is issued. In the present case, there is no cavil that the AY 2015-16 falls beyond the period of ten years from the date of the issuance of the impugned notice. "

3. The decisions in the case of ***Dinesh Jindal v. Assistant Commissioner of Income Tax & Others*** (*supra*) and ***Principal Commissioner of Income Tax-Central-1 v. Ojjus Medicare Private Limited*** (*supra*), clarify that the period of ten years is to be reckoned from the end of the assessment year, relevant to the previous year in which the notice is issued and not from the end of the assessment year in which notice is issued.

4. In the present case, the relevant AY 2014-15 falls beyond the said period of 10 years.

5. The petition is, accordingly, allowed and the impugned notice is set aside.

6. Pending applications also stand disposed of.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

DECEMBER 03, 2024

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Click here to check corrigendum, if any