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

\+ W.P.(C) 391/2023

IRA MALHOTRA .....Petitioner

Through: Mr. Amol Sinha, Mr. Ankit Kumar, Advocates.

versus

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

Through: Mr. Gaurav Gupta, SSC, Mr. Shivendra Singh, JSC and Mr. Yojit Pareek, JSC for Income Tax Department.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

O R D E R

% **18.03.2025**

1. The petitioner [**Assessee**] has filed the present petition, *inter alia*, impugning a notice dated 26.07.2022 [**the impugned notice**] issued under Section 148 of the Income Tax Act, 1961 [**the Act**] in respect of the Assessment Year [AY] 2015-16. It is the Assessee's case that the impugned notice has been issued beyond the prescribed period of limitation.

2. The initial notice under Section 148 of the Act for AY 2015-16 was issued on 25.06.2021. The said notice was unsustainable as it was issued in accordance with the statutory regime as it stood prior to 31.03.2021. This court in the case of ***Mon Mohan Kohli v. Assistant Commissioner of Income Tax & Anr.: Neutral Citation No.: 2021:DHC:4181-DB*** had set aside such notices that were issued after 31.03.2021 without following the procedure as prescribed under Section 148A of the Act. However, the Supreme Court in the case of ***Union of India & Ors. v. Ashish Agarwal:***

(2023) 1 SCC 617, issued directions for considering the said notices as the notices issued under Section 148A(b) of the Act and further granted time to the Assessing Officer to supply the material on which such notices were premised.

3. In compliance with the directions issued by the Supreme Court in the case of ***Union of India & Ors. v. Ashish Agarwal*** (supra), the Assessing Officer (AO) provided information and material to the Assessee and also issued a fresh notice under Section 148A(b) of the Act on 27.05.2022. The Assessee was granted two weeks time to respond to the said notice. The Assessee responded to the notice dated 27.05.2022 by a letter dated 11.06.2022.

4. The AO passed an order under Section 148A(d) of the Act on 26.07.2022. According to the Assessee, the same was beyond the period as stipulated.

5. Concededly, the said controversy is covered in favour of the Assessee by the decision of this court in ***Ram Balram Buildhome Pvt. Ltd. v. Income Tax Officer and Anr.: Neutral Citation No.: 2025:DHC:547-DB***.

6. The present petition is, accordingly, allowed and all proceedings initiated pursuant thereto are set aside.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 18, 2025/tr

Click here to check corrigendum, if any