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

\+ W.P.(C) 4138/2024 and CM APPL. 16931/2024

VANSHIKA BUILDTECH LIMITED .....Petitioner

Through: Mr Sumit K. Batra with Mr Manish Khurana and Ms Priyanka Jindal, Advocates.

versus

PRINCIPAL COMMISSIONER OF INCOME TAX, DELHI-7 & ORS. .....Respondents

Through: Mr Sanjay Kumar, SSC with Ms Monica Benjamin and Ms Easha Kadian, Advocates.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **20.01.2025**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 11.08.2023 passed by the concerned authority rejecting the petitioner's application for condonation of delay in filing Form 10(IC) electronically for availing the benefit of a special rate of tax as provided under Section 115BAA of the Income Tax Act, 1961 (hereafter the Act) in respect of assessment year (AY) 2020-21.

2. The petitioner also seeks a consequent relief of modification of the intimation dated 23.12.2021 issued under Section 143(1) of the Act. The petitioner submits that AY 2020-21 was the first year of operation of Section 115BAA of the Act. Special rate of tax was available to certain assessees, subject to the assessee filing an application in a requisite manner, within the time as prescribed for filing of a return under Section 139(1) of the Act.

3. The learned counsel for the petitioner submits that the Central Board

of Direct Taxes (CBDT) has now issued a circular (being Circular No. 17 of 2024 dated 18.11.2024) under Section 119(2)(b) of the Act, empowering the concerned officers viz. Principal Commissioner of Income Tax/ Commissioner of Income Tax, Chief Commissioner of Income Tax and Director General of Income Tax for considering and dealing with application for condonation of delay in filing Form 10(IC).

4. Mr. Kumar, the learned counsel appearing for the Revenue fairly submits that the parties did not have the benefit of the aforementioned circular which has been issued subsequently and the matter may be remanded to the concerned officer to consider the petitioner's application in the light of the aforementioned circular.

5. The learned counsel appearing for the petitioner is agreeable to this course.

6. Consequently, with the consent of the parties, we set aside the impugned order dated 11.08.2023. We permit the petitioner to make an application before the competent officer. We further clarify that, if the application is made within a period of two weeks from date, the competent officer shall consider the same on merits including in the light of the Circular No. 17 of 2024 dated 18.11.2024.

7. The present petition is disposed of. Pending application also stands disposed of.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

JANUARY 20, 2025

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