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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6845/2023, CM APPL. 26781/2023**
VIABLE MANAGEMENT CONSULTANTS PRIVATE LIMITED

.....Petitioner

Through: Ms. Kavita Jha, Sr. Adv. with Mr.
Vaibhav Kulkarni and Mr. Himanshu
Aggarwal, Advs.

versus

INCOME TAX OFFICER & ORS.Respondents

Through: Mr. Ruchir Bhatia, Sr. SC with Mr.
Anant Mann and Mr. Pratyaksh
Gupta, Jr. SCs

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

23.07.2025

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1. This petition has been filed by the petitioner with the following prayers:-

“(a) the impugned notice dated 26.05.2022 issued by Respondent No.1 under section 148A(b) of the Income Tax Act, 1961 (‘the Act’);

(b) the impugned order dated 25.07.2022 passed by Respondent No.1 under section 148A(d) of the Act and the consequent initiation of reassessment proceedings under section 147 vide notice dated 25.07.2022 issued by Respondent No.1 under section 148 of the Act for the assessment year 2015-16 and all proceedings/ actions consequent thereto;

(c) pass such other order or orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The submission of learned counsel for the petitioner is that the impugned Notice dated 26.05.2022 issued under Section 148A(b) of the Income Tax Act, 1961 [‘the Act’] and the impugned Order dated 25.07.2022 passed under Section 148A(d) of the Act are bad in law as the same are beyond the period of limitation as prescribed under Section 149 of



the Act as amended by The Finance Act, 2021 which came into effect on 01.04.2021. Concedingly, the above impugned Notice and impugned Order having been passed post 01.04.2021, the same need to be set aside. Learned counsel for the petitioner also submits that this issue is no more *res integra* and has been decided by this Court and also by the High Courts at Bombay and of Rajasthan and Special Leave Petition filed by the Revenue Department against the order of High Court at Bombay has been dismissed. He has also drawn our attention to the latest order passed by this Court in the case of ***Mectech knitfabs Pvt. Ltd. vs DCIT Circle 16(1) New Delhi & Anr.*** [2025 (5) TMI 1967] wherein this Court has in paragraph 11 onwards stated as under:-

“11. It is relevant to refer to paragraph 19(e) and 19(f) from the decision of the Supreme Court in ***Union of India and Ors. v. Rajeev Bansal*** (*supra*), which sets out the concession as made on behalf of the Revenue:

“e. The Finance Act 2021 substituted the old regime for re-assessment with a new regime. The first proviso to Section 149 does not expressly bar the application of TOLA. Section 3 of TOLA 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 TOLA, then all the notices issued between 1 April 2021 and 30 June 2021 pertaining to assessment years 2013-14, 2014-15, 2015-16, 2016-17, and 2017-18 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)	Within six Years	Expiry of Limitation read with TOLA for (4)
(1)	(2)	(3)	(4)	(5)
2013-2014	31-3-2017	TOLA not applicable	31-3-2020	30-6-2021
2014-2015	31-3-2018	TOLA not applicable	31-3-2021	30-6-2021
2015-2016	31-3-2019	TOLA not applicable	31-3-2022	TOLA not applicable
2016-17	31-3-2020	30-6-2021	31-3-2023	TOLA not applicable
2017-2018	31-3-2021	30-6-2021	31-3-2024	TOLA not applicable



f. The Revenue concedes that for the assessment year 2015-16, all notices issued on or after 1 April 2021 will have to be dropped as they will not fall for completion during the period prescribed under TOLA;”

12. In view of the above concession, the impugned notice and the proceedings relating thereto are required to be set aside. We may also note the decision of the Supreme Court in **Deepak Steel and Power Ltd. v. Central Board of Direct Taxes and Ors.: Civil Appeal No.5177/2025, decided on 02.04.2025**. The said appeal arose from orders passed by the Hon’ble High Court of Orissa and Cuttack declining to entertain batch of petitions filed by the Assesseees. The attention of the Supreme Court was drawn to the concession made on behalf of the Revenue in **Union of India & Ors. v. Rajeev Bansal (supra)** and noting the same, the Supreme Court allowed the appeals. The relevant extract of the said decision is set out below:

“4. The learned counsel appearing for the revenue with his usual fairness invited the attention of this Court to a three judge bench decision of this Court in Union of India and Ors. v. Rajeev Bansal, reported in 2024 SCC OnLine SC 2693, more particularly, paragraph 19(f) which reads thus:-

“19. (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.”

5. As the revenue made a concession in the aforesaid decision that is for the assessment year 2015-2016, all notices issued on or after 1st April, 2021 will have to be dropped as they would not fall for completion during the period prescribed under the taxation and other laws (Relaxation and Amendment of certain Provisions Act, 2020). Nothing further is required to be adjudicated in this matter as the notices so far as the present litigation is concerned is dated 25.6.2021.

6. In view of the aforesaid, in such circumstances referred to above the original writ petition nos.2446 of 2023, 2543 of 2023 and 2544 of 2023 respectively filed before the High Court of Orissa at Cuttack stands allowed.

13. The notice dated 26.07.2022 issued under Section 148 of the Act stands quashed and set aside. Concededly, the controversy is covered in favour of the petitioner by the decision of this court in **Makemytrip India Pvt. Ltd. v. Deputy Commissioner of Income Tax Circle 16 (1) Delhi & Anr.: Neutral Citation No.: 2025:DHC:1892-DB**.

14. The petition is, accordingly, allowed and all proceedings initiated



pursuant thereto are set aside.

15. The next date of hearing, that is, 16.09.2025, stands cancelled.”

3. Mr. Ruchir Bhatia, learned counsel for the respondents, do not contest the applicability of the judgement in the case of ***Union of India and Ors. vs. Rajeev Bansal*** [2024 INSC 754] as followed by the Court in ***Mectech knitfabs Pvt. Ltd. (supra)***.

4. If that be so, the impugned Notice dated 26.05.2022 and impugned Order dated 25.07.2022 are set aside and all proceedings initiated pursuant thereto are also set aside.

5. Accordingly, the present petition along with the pending application is allowed as disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JULY 23, 2025

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