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

+ **W.P.(C) 17202/2022**

CHARU CHAINS AND JEWELS PVT LTDPetitioner

Through: Mr Rajat Navet with Mr Kushagra
Pandit and Mr Rajat Rana, Advocates.

versus

ASSISTANT COMMISSIONER OF INCOME TAX.....Respondent

Through: Mr Monica Benjamin with Ms Easha
Kadian, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
20.03.2025

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1. The petitioner has filed the present petition, *inter alia*, impugning a notice dated 27.07.2022 [**impugned notice**] issued under Section 148 of the Income Tax Act, 1961 [**the Act**] in respect of Assessment Year [**AY**] 2015-16. The petitioner also impugns an order dated 27.07.2022 passed under Section 148A(d) of the Act [**impugned order**].

2. The Assessing Officer [**AO**] had issued a notice dated 30.06.2021 under Section 148 of the Act seeking to reopen assessments for AY 2015-16. Such notices were subject matter of challenge in various petitions filed before this court and other courts. By virtue of the decision of this court in *Mon Mohan Kohli v. CIT* [WP(C) No. 6176/2021] such notices were set aside as the same had been issued on the basis of the statutory regime for



reopening the assessment as it existed prior to 31.03.2021. The said decision as well as such similar decisions were carried in appeal before the Supreme Court. In ***Union of India & Ors. v. Ashish Agarwal: 2022 SCC OnLine SC 543*** the Supreme Court had issued directions in exercise of powers under Article 142 of the Constitution of India and all such notices were deemed to be notices under Section 148A(b) of the Act. Further directions were also issued for the AOs to provide the material on which the said notices were premised as required under Section 148A of the Act.

3. Pursuant to the said decision in ***Union of India & Ors. v. Ashish Agarwal (supra)***, the AO had issued a fresh notice under Section 148A(b) of the Act on 20.05.2022.

4. The aforesaid proceedings were initiated on the premise that The Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 [TOLA] was applicable and permitted issuance of such notices.

5. However, in subsequent proceedings in ***Union of India and Others v. Rajeev Bansal: 2024 SCC OnLine SC 2693***, the Revenue made a concession that TOLA was inapplicable to notices that were issued in respect of AY 2015-16. The relevant extract of the decision of the Supreme Court in ***Union of India and Others v. Rajeev Bansal (supra)*** is set out below:

“(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.”

6. In view of the above, the impugned notice is unsustainable. The learned counsel has also handed over a copy of the order passed by the coordinate bench of this court in *Ibibo Group Pvt. Ltd. v. Assistant Commissioner of Income Tax Circle 10-1 & Anr.* [WP(C) 17639/2022] wherein in similar facts the notices issued in respect of AY 2015-16 were set



aside. The learned counsel appearing for the Revenue also confirms the same.

7. The petition is allowed in the aforesaid terms. In view of the above, the impugned notice is set aside as well. Consequently, all proceedings pursuant thereto is also set aside.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 20, 2025/tr

Click here to check corrigendum, if any