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

\+ W.P.(C) 16081/2024 and CM APPL. 67522/2024

GEOTECH HOMZ PRIVATE LIMITED .....Petitioner

Through: Mr Harshu Wason with Ms Neha Gupta, Advocates.

versus

ASST. COMMISSIONER OF INCOME-TAX & ANR. .....Respondents

Through: Mr Vipul Agrawal with Ms Sakashi Shairwal and Mr Akshat Singh, Advocates.

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

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

% **24.03.2025**

1. The petitioner has filed the present petition, *inter alia*, praying as under:

> "(a) Quash the Impugned Notice dated 18.01.2024 (Annexure P-1) issued by the Respondent under Section 148 of the Income-Tax Act, 1961 for Assessment Year 2014-15.
> (b) Quash the approval dated 11.01.2024 given by the Respondent No. 2 under Explanation 2(iv) of Section 148 of the Act."

2. The petitioner contends that the notice was issued beyond the period of limitation as prescribed under Section 149(1) of the Income Tax Act, 1961 [**the Act**]. The impugned notice dated 18.01.2024 is premised on a search conducted under Section 132 of the Act or a requisition made under Section 132A of the Act in respect of Gaur Group and related persons. The

search was conducted on 02.03.2022. It is stated that there is no satisfaction note which has been recorded by the Assessing Officer [**AO**] of the searched person. However, the Revenue states that during the course of the search, certain incriminating material was found, which was received by the AO exercising jurisdiction in case of the petitioner in June, 2022. As noted above, the impugned notice was issued on 18.01.2024.

3. The requirement of recording a satisfaction note by the AO exercising jurisdiction in case of a searched person to the effect that the material found during the search under Section 132 of the Act or requisition under Section 132A of the Act, belongs to another assessee [not being a searched person] or contains information relating to another assessee, is not applicable in case where the search is conducted after 31.03.2021. Thus, the date on which the AO decides to initiate action for reassessment would necessarily have to be considered for the purposes of calculating the limitation as provided under Section 153C read with Section 153A of the Act.

4. This issue is covered by various decisions of this court including in ***Dinesh Jindal v. Assistant Commissioner of Income Tax, Central Circle 20, Delhi & Others: Neutral Citation No.: 2024:DHC:4554-DB, KAD Housing Private Limited v. Deputy Commissioner of Income Tax Central Circle-6, Delhi : Neutral Citation No.: 2024:DHC:8214-DB*** as well as ***Pankaj Jain v. Assistant Commissioner of Income Tax, Central Circle 3, Delhi & Anr. : Neutral Citation No. : 2025:DHC:157-DB.***

5. In ***The Pr. Commissioner of Income Tax - Central-1 v. Ojjus Medicare Pvt. Ltd : Neutral Citation : 2024:DHC:2629-DB,*** this court had explained that the block period of ten years is required to be computed from the end of the assessment year relevant to the financial year in which the AO

of the searched person has recorded its satisfaction and handed over the material or books of account to the AO of the assessee not being the searched person. Thus, the block period of ten years is required to be computed from the end of the AY 2024-25, which is relevant to the financial year in which the impugned notice was issued.

6. The learned counsel for the Assessee has handed over a tabular statement setting out the block of ten years that would possibly be covered by a notice issued in financial year 2023-24. The said tabular statement is set out below:

ANAYSIS OF TIME-PERIOD TO ISSUE REASSESSMENT NOTICE Date of Issuance of notice under Section 148 of the Act – 18.01.2024 **This chart is prepared in light of the first proviso of Section 149 of the Act as amended by Finance Act, 2021*	
Relevant Assessment Year for initiating proceedings under Section 148 of the Act	Computation of 10 years in light of first proviso to Section 149
AY 2024-25	1
AY 2023-24	2
AY 2022-23	3
AY 2021-22	4
AY 2020-21	5
AY 2019-20	6
AY 2018-19	7
AY 2017-18	8
AY 2016-17	9
AY 2015-16	10
AY 2014-15	**11** **(beyond terminal point of**

	10 years)

7. The learned counsel appearing for the Revenue has no cavil with the said tabular statement. He, however, submits that the Revenue has not accepted the manner of calculating the block of ten years as explained in ***The Pr. Commissioner of Income Tax - Central-1 v. Ojjus Medicare Pvt. Ltd.*** (supra) and has preferred a Special Leave Petition against the said decision.

8. In view of the above, the present petition is allowed and the impugned notice issued under Section 148 of the Act is set aside. Pending application also stands disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 24, 2025/tr

Click here to check corrigendum, if any