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

\+ W.P.(C) 17361/2024 and CM APPL. 73912/2024

SOLITAIRE INFRAHOME PRIVATE LIMITED .....Petitioner

Through: Ms Ananya Kapoor with Mr Shivam Yadav and Mr Utkarsa K.Gupta, Advocates.

versus

ASSISTANT COMMISSIONER OF INCOME TAX CENTRAL CIRCLE 15 DELHI .....Respondent

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

ORDER

% **24.03.2025**

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

> "A. Issue a writ of and/ or order and or directions in the nature of certiorari or any other appropriate writ, order or direction quashing the impugned notice dated 31.08.2024 issued under Section 148 of the Act by the Respondent and the proceeding initiated pursuant thereto;
> B. Issue any appropriate writ and/or order and/or directions to declare Explanation 2 to the Section 148 of the Act as being violative of Article 14 of the Constitution of India to the extent to which it treats the search person and non-search person on equal footing;
> C. Issue a writ of and/or order and/or direction in the nature of Prohibition commanding Respondent to forebear from giving effect to and/or taking any step whatsoever pursuant to and/or in furtherance of the said purported notice under Section 148 of the

Act and/or in any proceedings initiated thereunder for the AY 2015-16, and grant stay on the assessment proceedings;
D. Issue a writ of and/or order and or directions in the nature of certiorari or any other appropriate writ, order or direction quashing the satisfaction note recorded in the case of the Petitioner by the Respondent;"

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 31.08.2024 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 31.08.2024.

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 2025-26, 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 2024-25. 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 – 31.08.2024 **This chart is prepared in light of the first proviso of Section 149 of the Act as amended by Finance Act, 2021*	
Relevant Assessment	Computation of 10

Year for initiating proceedings under Section 148 of the Act	years in light of first proviso to Section 149
AY 2025-26	1
AY 2024-25	2
AY 2023-24	3
AY 2022-23	4
AY 2021-22	5
AY 2020-21	6
AY 2019-20	7
AY 2018-19	8
AY 2017-18	9
AY 2016-17	10
AY 2015-16	Beyond 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