



\$~67,68,71,73, & 78 (five cases)

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

% *Date of Decision : 28.10.2025*

(67)

+ **ITA 537/2025**

PRINCIPAL COMMISSIONER OF INCOME TAX-1Appellant

versus

OM SHIV BUILDTECH PVT. LTDRespondent

(68)

+ **ITA 538/2025**

PR. COMMISSIONER OF INCOME TAX-4Appellant

versus

M/S KING BUILDCON PVT.LTDRespondent

(71)

+ **ITA 541/2025**

PR. COMMISSIONER OF INCOME TAX-7Appellant

versus

M/S. SHINE STAR BUILDCON PVT LTDRespondent

(73)

+ **ITA 543/2025**

PR. COMMISSIONER OF INCOME TAX-7Appellant

versus

M/S SHINE STAR BUILDCON PVT. LTDRespondent

(78)

+ **ITA 548/2025**

PRINCIPAL COMMISSIONER OF INCOME TAX-4Appellant

versus

GOBIND KUMAR GOYALRespondent

Present: Mr. Indruaj Singh Rai, SSC, Mr.Sanjeev Menon, Mr. Rahul Singh, JSCs and Mr. Gaurav Kumar, Advocates for the appellant.

Mr Gautam Jain and Mr Manish Yadav, Advocates for the respondent.

Ms Ananya Kapoor, Mr Shivam Yadav and Mr Aanjul Dahia, Advocates for the respondent in ITA No.548/2025.



CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE VINOD KUMAR

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 66679/2025 (condn of delay in re-filing) in ITA 537/2025

CM APPL. 66680/2025 (condn of delay in re-filing) in ITA 538/2025

CM APPL. 66688/2025 (condn of delay in re-filing) in ITA 541/2025

CM APPL. 66697/2025 (condn of delay in re-filing) in ITA 543/2025

CM APPL. 66816/2025 (condn of delay in re-filing) in ITA 548/2025

1. For the reasons stated in the applications, the delay of 812 days in re-filing the appeals stands condoned.

2. The applications are disposed of.

ITA 537/2025; ITA 538/2025; ITA 541/2025; ITA 543/2025;& ITA 548/2025

3. These appeals filed under Section 260A of the Income Tax Act, 1961 ('the Act' in short) lay challenge to the common order dated 08.02.2023 passed by the Income Tax Appellate Tribunal ('ITAT' in short) in ITAs No.1427/Del/2019; No.1441/Del/2019; No.1437/Del/2019; No.1438/Del/2019; and No.1283/Del/2019; in respect of relevant Assessment Year (AY) 2007-08 and 2008-09.

4. The issue which arises for the consideration in these appeals, is primarily whether the ITAT is justified in allowing the appeals filed by the Assesseees' / respondents challenging the penalty imposed under Section 271(1)(C) of the Act.

5. Mr Indruj Singh Rai, learned Sr Standing Counsel appearing for the



appellant/Revenue fairly states that the issue involved in these appeals is covered by the earlier decision of this Court in ***Principal Commissioner of Income Tax v. Sahara India Life Insurance Co. Ltd;*** ***Neutral Citation: 2019:DHC:7413-DB*** which ratio is also followed by this Court in ***Pr. Commissioner of Income Tax v. M/s. Corteva Agriscience Pvt. Ltd;*** ***Neutral Citation No.2025:DHC:7351-DB.***

6. He has also drawn our attention to paragraph no.16 onwards in ***M/s. Corteva Agriscience Pvt. Ltd (supra)*** to contend that this Court relied upon the judgment of this Court rendered in ***Sahara India Life Insurance Co. Ltd; (supra).***

7. This Court in ***Pr. Commissioner of Income Tax v. M/s. Corteva Agriscience Pvt. Ltd (supra)*** in paragraph no.16 onwards has stated as under:-

“16. The issue which arose before the ITAT was whether the notice issued by the AO, more particularly under Section 271(1)(c) of the Act in printed form, without specifically mentioning whether the proceedings were initiated on the ground of concealment of income or on account of furnishing inaccurate particulars of income, was invalid and bad in law.

*17. The notice on that ground was held to be bad, by relying upon the judgement of this Court in ***Principal Commissioner of Income Tax v. Gragerious Projects Pvt. Ltd;*** ***Neutral Citation:2024:DHC:9019-DB,*** wherein this Court in paragraph 21 held as under:*

*“21. The High Court in the case of ***Principal Commissioner of Income Tax vs. Sahara India Life Insurance Co. Ltd.,*** (2021) 432 ITR 84 Delhi, followed the decision of the Karnataka High Court in in ***CIT vs Manjunatha Cotton & Ginning Factory*** (2013) 359 ITR 565(Kar.) and held as under:-*

“The Respondent had challenged the upholding of the



penalty imposed under section 271(l)(c) of the Act, which was accepted by the ITAT. It followed the decision of the Karnataka High Court in *CIT vs Manjunatha Cotton & Ginning Factory* 359 ITR 565 (Kar) and observed that the notice issued by the AO would be bad in law if it did not specify which limb of Section 271(l)(c) the penalty proceedings had been initiated under i.e. whether for concealment of income or for furnishing of inaccurate particulars of income. The Karnataka High Court had followed the above judgment in the subsequent order in *Commissioner of Income Tax v. SSA's Emerald Meadows* (2016) 73 Taxman.com 241(Kar.), the appeal against which was dismissed by the Supreme Court of India in SLP No.11485 of 2016 by order dated 05th August, 2016”.

(Emphasis supplied)

18. Mr. Singh, counsel for the appellant, fairly concedes to the fact that following **Sahara India Life Insurance Co. Ltd** (supra), this Court has rendered following judgments holding that a notice issued in the manner issued by the AO in this case under Section 271(1)(c) is invalid: **Pr. Commissioner of Income Tax, Delhi 1 v. M/S Blackroak Securities Pvt. Ltd.**; **Neutral Citation: 2023:DHC: 8841-DB** and **Pr. Commissioner of Income Tax, Delhi 7 v. Unitech Reliable Projects Pvt. Ltd.**; **Neutral Citation: 2023:DHC: 4258-DB.**

19. If that be so, for parity of reasons, we follow the judgment rendered by this Court in **Commissioner of Income Tax(International Taxation)-1, New Delhi vs. Genpact Services LLC**; **Neutral Citation: 2025:DHC:3420-DB**, wherein this Court in paragraphs 8-11 held as under:

“ 8. However, we note that the learned ITAT did not express any opinion as to the CIT(A)'s view; it rejected the Revenue's appeal solely on the ground that the notice issued by the AO under Section 274 of the Act read with Section 271 of the Act did not specifically state as to under which limb of Section 271(1)(c) of the Act, penalty proceedings were intended to be proceeded. Section 271(1)(c) of the Act has two limbs: the first is where the allegation is that the assessee has concealed income; and the second is, that the assessee has furnished incorrect particulars



of income.

9. This court has, in a number of decisions, held that the notice, which does not specifically indicate the particular limb of Section 271(1)(c) that is sought to be invoked, would be invalid as being vague.

*10. Mr. Rai, the learned counsel for the Revenue, also does not dispute that the issue involved is covered by several decisions of this court including **Principal Commissioner of Income Tax v. Gragerious Projects Pvt. Ltd.: Neutral Citation; 2024:DHC:9019-DB, Pr. Commissioner of Income Tax, Delhi 1 v. M/S Blackroak Securities Pvt. Ltd.: Neutral Citation; 2023:DHC: 8841-DB and Pr. Commissioner of Income Tax, Delhi 7 v. Unitech Reliable Projects Pvt. Ltd.: Neutral Citation; 2023:DHC: 4258- DB.***

11. In view of the above, no substantial question of law arises for consideration of this court in the present appeal.”

20. In view of the above discussion, we do not see any substantial question of law arising for consideration in this appeal.

21. The appeals are disposed of in favour of the respondent/assessee and against the appellant/revenue.

8. In view of the above, we do not see any substantial question of law arising in these appeals.

9. Accordingly, the appeals are dismissed in favour of the respondents/ Assessees and against the appellant/Revenue.

V. KAMESWAR RAO, J

VINOD KUMAR, J

OCTOBER 28, 2025/M