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

\+ W.P.(C) 3563/2026 & CM APPL. 17253/2026

PTC INDIA FINANCIAL SERVICES LIMITED THROUGH ITS AUTHORISED SIGNATORY AAKASH GUPTA

.....Petitioner

Through: Mr. Sachit Jolly, Sr. Advocate with Mrs. Mansha Anand, Mr. Abhyudaya Shankar Bajpai, Mr. Sohum Dua, Mr. Ghunaim Siddiqui, Ms. Manvi & Ms. Saloni Ray, Advocates.

versus

PRINCIPAL COMMISSIONER OF INCOME TAX 7 & ANR.

.....Respondents

Through: Mr. Sunil Agarwal, SSC with Ms. Monica Benjamin, JSC.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE VINOD KUMAR

O R D E R

% 07.04.2026

1. By way of present writ petition, the petitioner has challenged the order dated 14.11.2025 passed by the Principal Commissioner of Income Tax-7 *(hereinafter referred to as 'the Principal Commissioner'),* whereby petitioner's petition under Section 264 of the Income Tax Act, 1961 *(hereinafter referred to as 'the Act of 1961')* has been rejected.

2. Succinctly stated, the facts appertain are that a substantial amount of Tax at source was deducted by Danu Wind Parks Pvt. Ltd. *(hereinafter*

referred to as 'the deductor or the payee') out of the amount due/paid to the petitioner for Assessment Year *(AY)* 2023-24. However, since the deductor did not deposit the amount of so deducted within the prescribed time, the same was neither reflected in petitioner's Form 26AS nor the assessee could claim the adjustment of the tax against the due tax or claim refund thereof when it filed its return of Income for AY 2023-24.

3. It is the case of the petitioner that so far as the income arising out of the amount in question (on which the tax was deducted) is concerned, the same has been offered to tax and the petitioner had paid applicable tax thereupon and has been accordingly assessed.

4. Mr. Sachit Jolly, learned Senior Counsel informed that later on, when said deductor (Danu Wind Parks Pvt. Ltd.) deposited the tax so deducted, it got reflected in petitioner's Form 26AS. After the amount being reflected in petitioner's credit, it moved petition under Section 264 of the Act of 1961 before the Principal Commissioner on 15.10.2025 and prayed for grant of refund of the TDS amount duly reflected in its Form 26AS.

5. Said petition dated 15.10.2025 came to be rejected by the Principal Commissioner *perviam* his order dated 14.11.2025 by observing thus:-

> *"4. I have carefully considered the petition, records of the case, orders passed, and the material placed on file.*
>
> *4.2 It is a matter of record that the impugned TDS was not claimed in the original return of income. Also, the TDS amount was not reflected in Form 26AS at any stage during the original proceedings or rectification.*
>
> *4.3 No revised return was filed by the assessee to make a valid claim under the Act.*
>
> *4.4 The statutory scheme requires that any claim affecting the computation of income— including a claim for TDS credit—must be made through a revised return. The*

Hon’ble Supreme Court in Goetze (India) Ltd. v. CIT (2006) 284 ITR 323 has held that such claims cannot be entertained by the Assessing Officer except through a revised return. The same principle governs the scope of revision under section 264, which cannot be used to introduce an entirely new claim never made in the return of income.

4.5 It is also noted that the assessee is a large listed corporate entity supported by qualified finance and tax professionals. Such an assessee is expected to undertake due diligence in verifying TDS credits, reconciling Form 26AS, and ensuring correctness of claims in the return. The omission to claim TDS credit—despite full opportunity and professional resources—cannot be treated as a trivial lapse warranting relaxation of statutory requirements.

4.6 The late deposit of TDS by the deductor does not automatically confer a right to credit in the absence of a claim made.

4.7 In light of the foregoing, and considering the statutory framework and judicial position, I find no basis for interference with the order passed for AY 2023-24.

The petition under section 264 is therefore rejected.”

6. Mr. Sachit Jolly, learned Senior Counsel, argued that the Principal Commissioner has erred in rejecting petitioner’s petition under Section 264 of the Act of 1961.

7. He further argued that Form 26AS is indisputably a part of the record and if an amount is reflected in statutory record showing that the amount of tax deducted by the deductor (Danu Wind Parks Pvt. Ltd) is lying in petitioner’s credit, it was incumbent upon Principal Commissioner to call for the record and allow the petition.

8. He prayed that the order impugned passed by the Principal Commissioner be set aside and the respondents be directed to refund the

amount lying in petitioner's credit, as reflected in Form 26AS along with the applicable interest.

9. On the previous date of hearing, we had directed Ms. Monica Benjamin, learned Junior Standing Counsel, to suggest a way out so that the petitioner's grievance can be redressed. Because, the amount lying in petitioner's credit can neither be forfeited by the Government nor can it be legally appropriated. Furthermore, keeping this amount in Government coffers would lead to unjust enrichment, as has been observed by us in our order dated 13.02.2026 passed in writ petition no. 959/2024, 960/2024 and 961/2024 titled ***M/s Real Time Data Services Pvt. Ltd. v. PCIT Delhi-7 & Anr.***.

10. Ms. Monica Benjamin, learned Junior Standing Counsel, has come up with a fair proposal and instructions from the Department that in case the petitioner moves an application in terms of the Circular No. 11/2024 dated 01.10.2024, the respondent(s) shall consider the same in accordance with law.

11. In view of the fair stand taken by the respondent, rather than deciding the correctness, legality or otherwise of the order impugned passed by the Principal Commissioner, we direct the petitioner to move an application in terms of the above referred circular dated 01.10.2024 alongwith a web-copy of the order instant and other necessary documents within a period of four weeks from today.

12. In case the application is so filed before the authority prescribed in the circular, the Competent Authority shall consider the same in accordance with law and after being satisfied about the credit of the amount as claimed by the petitioner, it shall refund the same alongwith applicable interest in

accordance with law, preferably within a period of three months of receiving the application.

13. Needless to observe that the Competent Authority shall not be influenced by the rejection of the petitioner's petition under Section 264 of the Act of 1961, as we have practically annulled the order dated 14.11.2025.

14. The writ petition stands disposed of in the aforesaid terms along with pending application.

DINESH MEHTA, J.

VINOD KUMAR, J.

APRIL 7, 2026/*nk*