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

\+ ITA 307/2026, CM APPL. 23816/2026, CM APPL. 23817/2026 & CM APPL. 23818/2026

PR COMMISSIONER OF INCOME TAX-10 NEW DELHI .....Appellant

Through: Mr. Shlok Chandra, SSC with Ms. Naincy Jain & Ms. Madhavi Shukla, JSCs.

versus

SH BHUSHAN GUPTA .....Respondent

Through: Appearance not given.

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

O R D E R

% 13.04.2026

1. The present appeal is directed against the impugned order dated 31.07.2025 passed by Income Tax Appellate Tribunal Delhi Bench "E", New Delhi *(hereinafter referred to as "Tribunal").*

2. The issue before the Tribunal was as to whether the issuance of notice under Section 148 of the Income Tax Act, 1961 having been issued after 3 years from the end of the Assessment Year (AY) 2017-18, without the prior approval of the Principal Chief Commissioner of Income Tax (PCCIT) i.e. the approving authority as per Section 151(ii) of the Income Tax Act, 1961, is valid in the eye of law.

3. The Tribunal while relying upon the order of Madras High Court in the case of ***Core Logistic Company v. Assistant Commissioner of Income-Tax*** reported in [2025] 175 taxmann.com 453 (Madras), has allowed the

appeal filed by the respondent-asseessee (appellant therein).

4. Since the Tribunal has relied upon a Madras High Court order, it cannot be said that the question stands decided conclusively. This issue, however, has already been decided against the Income Tax Department by Hon'ble the Supreme Court in paragraph numbers 78 & 81 of the judgment passed in the case of **Union of India & Ors. v. Rajeev Bansal** reported in [2024] 167 taxmann.com 70 (SC). Relevant paragraphs are reproduced hereinfra:

> *"78. For example, the three year time limit for assessment year 2017-2018 falls for completion on 31 March 2021. It falls during the time period of 20 March 2020 and 31 March 2021, contemplated under Section 3(1) of TOLA. Resultantly, the authority specified under Section 151(i) of the new regime can grant sanction till 30 June 2021.*
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> *xxxx xxxx xxxx*
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> *81. This Court in Ashish Agarwal (supra) directed the assessing officers to "pass orders in terms of Section 148-A(d) in respect of each of the assesses concerned." Further, it directed the assessing officers to issue a notice under Section 148 of the new regime "after following the procedure as required under Section 148-A." Although this Court waived off the requirement of obtaining prior approval under Section 148A(a) and Section 148A(b), it did not waive the requirement for Section 148A(d) and Section 148. Therefore, the assessing officer was required to obtain prior approval of the specified authority according to Section 151 of the new regime before passing an order under Section 148A(d) or issuing a notice under Section 148. These notices ought to have been issued following the time limits specified under Section 151 of the new regime read with TOLA, where applicable."*

5. The appeal is therefore, dismissed.

6. Pending applications stand disposed of.

DINESH MEHTA, J.

VINOD KUMAR, J.

APRIL 13, 2026/ *nk*