$~3

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

\+ ITA 385/2026 & CM APPL. 31523/2026

RELIGARE ENTERPRISES LTD (SUCCESSOR-IN-INTEREST OF RELIGARE SECURITIES LTD) .....Appellant

Through: Mr. Rohit Jain and Mr. Samarth Choudhari, Advs.

versus

DEPUTY COMMISSIONER OF INCOME TAX .....Respondent

Through: Mr. Sunil Agarwal, SSC, Ms. Monica Benjamin, Mr. Gibran Naushad, JSCs and Mr. Rohit Chakraborty and Mr. Vivan Garg, Advs.

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

O R D E R

% 18.05.2026

1. By way of present appeal, the appellant-assessee has challenged the order dated 22.12.2025 passed by the Income Tax Appellate Tribunal, Delhi Bench, F, New Delhi (ITAT) (*hereinafter referred to as 'the Tribunal'*).

2. Mr. Rohit Jain, learned counsel for the appellant argued that the Tribunal has erred in remanding the matter back to the Commissioner of Income Tax (Appeals) (*hereinafter referred to as 'CIT(A)'*).

3. He submitted that the Tribunal is the last fact finding authority and therefore, it was incumbent upon the Tribunal to decide the appeal on facts and even if the Tribunal was of the view that the reasons given by the CIT(A) are not sufficient, it ought to have considered the material on record and accordingly decide the appeal.

4. In support of his contention, learned counsel relied upon the order of Hon'ble the Supreme Court dated 13.02.2023 in the case of **Arvind Kumar**

Jaiswal (D) Thr. Lr. vs. Devendra Prasad Jaiswal Varun reported in **2023 SSC OnLine SC 146**.

5. Ms. Monica Benjamin, learned Junior Standing Counsel for the respondent-Income Tax Department on the other hand submitted that no question of law, much less a substantial question of law has arisen in this case, requiring an adjudication by this Court in its limited scope under Section 260A of the Income Tax Act, 1961.

6. She added that the Tribunal has simply remanded the matter back to the CIT(A), whose order if perused, clearly shows that no reason worth the name had been given.

7. Heard learned counsel for the parties and perused the material on record.

8. On perusal of the order of the CIT(A) passed on 10.09.2018, we find that the CIT(A) has passed an order of 27 pages which contains nothing but reproduction, assessee's reply and the findings of the Assessing Officer (AO).

9. The CIT(A) in just three lines, and that too by relying on his previous order passed for Assessment Year (AY) 2012-13 had allowed the appeal. Furthermore, said order was with respect to a different assessee namely M/s Religare Arts Initiative Ltd, maybe a group Company. The relevant finding of the CIT(A) is reproduced hereinfra:-

> *"5.5. Since the facts are similar, following the decision of the CIT(A), relief was allowed to the appellant in the appellant's group case for the A.Y. 2012-13. In the present appeal, as the facts are similar, following the order of CIT(Appeals) on this issue, disallowance of Rs.10,30,65,230/- on account of support*

service expenses made by the AO, is deleted. Therefore, this ground of appeal is ruled in favour of the appellant."

10. According to us, the CIT(A), who is the first Authority, was required to give some reasons, more particularly, when he upturns the order passed by the AO.

11. An Appellate Authority cannot examine the correctness of the issues decided unless the authority whose order is under challenge, has passed a reasoned order. Recording of reasons is like flesh and blood to an order; without reasons, an order cannot survive. Unless an order contains reasons, the Appellate Authority cannot ascertain as to what transpired in the mind of the authority and whether the view taken by the authority below is in accordance with facts and law.

12. If the contention of Mr. Jain is to be accepted that the Tribunal should itself examine the record rather than remanding the case, the adjudication made by the CIT(A) i.e., the first Appellate Authority would be rendered a futile exercise. In such case, the Tribunal would have to hear all the appeals as if it were the first Appellate Authority and give reasons.

13. So far as judgment in the case of ***Arvind Kumar Jaiswal*** *(supra)* is concerned, we are of the view that the same does not favour assessee's cause. Because, para no.3 thereof, clearly covers the case in hands. The relevant paragraph of the order dated 13.02.2023 of the Hon'ble the Supreme Court is reproduced hereinfra:

"<u>An order of remand prolongs and delays the litigation and hence, should not be passed unless the appellate court finds</u> that a re-trial is required, or the evidence on record is not

sufficient to dispose of the matter for reasons like lack of adequate opportunity of leading evidence to a party, <u>where there had been no real trial of the dispute or there is no complete or effectual adjudication of the proceedings,</u> and the party complaining has suffered material prejudice on that account. Where evidence has already been adduced and a decision can be rendered on appreciation of such evidence, an order of remand should not be passed remitting the matter to the lower court, even if the lower court has omitted to frame issue(s) and/or has failed to determine any question of fact, which, in the opinion of the appellate court, is essential."

14. In the instant case, since the order of the CIT(A) does not dilate upon any of the contentions or facts, we are of the view that the Tribunal has adopted a correct approach in remanding the matter back to the CIT(A) for deciding the appeal afresh.

15. Since the matter has been remanded back to the CIT(A) and the appeal stands restored to his dockets, it is ordered that the appeal be decided as per the priority it ought to have been given, when the same was filed.

16. The appeal is, therefore, dismissed and pending application is disposed of.

DINESH MEHTA, J

VINOD KUMAR, J

MAY 18, 2026/*cd*