$~2, 3, 4 & 99

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

\+ ITA 395/2026
\+ ITA 402/2026
\+ ITA 404/2026
\+ ITA 412/2026

PR. COMMISSIONER OF INCOME TAX, CENTRAL-1, DELHI

.....Appellant

Through: Mr. Puneet Rai, SSC, and Mr. Rishabh Nangia, JSC and Mr. Ashvini Kumar, Adv.

versus

SHRITI VERMA

.....Respondent

Through: None.

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

O R D E R

% **19.05.2026**

CM APPL. 31909/2026 (exemption) in ITA 395/2026
CM APPL. 32451/2026 (exemption) in ITA 402/2026
CM APPL. 32742/2026 (exemption) in ITA 404/2026
CM APPL. 33733/2026 (exemption) in ITA 412/2026

1. Exemptions are allowed, subject to all just exceptions.

2. The applications stand disposed of.

CM APPL. 31910/2026 (delay in filing) in ITA 395/2026
CM APPL. 32452/2026 (delay in filing) in ITA 402/2026
CM APPL. 32743/2026 (delay in filing) in ITA 404/2026
CM APPL. 33734/2026 (delay in filing) in ITA 412/2026

3. For the reasons stated in the applications, the delay of 3 days in filing the appeals is condoned.

4. The applications stand disposed of.

<u>CM APPL. 31911/2026 (delay in re-filing) in ITA 395/2026</u>
<u>CM APPL. 32453/2026 (delay in re-filing) in ITA 402/2026</u>
<u>CM APPL. 32744/2026 (delay in re-filing) in ITA 404/2026</u>
<u>CM APPL. 33735/2026 (delay in re-filing) in ITA 412/2026</u>

5. For the reasons stated in the applications, the delay of 16 days in re-filing the appeals is condoned.

6. The applications stand disposed of.

<u>ITA 395/2026</u>
<u>ITA 402/2026</u>
<u>ITA 404/2026</u>
<u>ITA 412/2026</u>

7. By way of the instant appeals, the appellant has challenged the order dated 04.11.2025 passed by the Income Tax Appellate Tribunal, Delhi Bench: 'G', New Delhi (*hereinafter referred to as 'the Tribunal'*) in ITA No. 4483/Del/2024 Assessment Year: 2013-14, ITA No. 4484/Del/2024 Assessment Year: 2012-13, ITA No. 4485/Del/2024 Assessment Year: 2011-12 and ITA No. 4486/Del/2024 Assessment Year: 2014-15.

8. The facts lie in a very narrow compass. The Assessing Officer (AO) initiated the proceedings to frame assessment in hands of the respondent on protective basis, by observing that he had initiated the proceedings under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 (*hereinafter referred to "the Act of 2015"*).

9. At the time of passing the assessment order, the AO made it clear that since the income cannot be taxed under both the Acts, namely, the Act of 2015 and the Income Tax Act, 1961 (*hereinafter referred to as 'the Act of*

1961'), the assessment made under the Act of 1961 shall remain protective.

10. It is an admitted fact that subsequently by way of an order dated 06.12.2021, another AO under the Act of 2015 concluded the proceedings against the respondent-assessee by observing thus:

> *"7.4 In view of the totality of circumstances, it is clear that for STEL, Ms. Shriti Verma is clearly not the beneficial owner. In-fact, as per the express instruction of Ms. Ritu Verma, the assessee, Ms. Shriti Verma would have become the beneficiary only in the event of the death of Ms. Ritu Verma.*
>
> *7.4.1 Even for the case of Master Experts Investments Ltd, the control and ownership of the assets clearly lies with Ms. Ritu Verma. Assets have been received in the entity Master Experts Investments Ltd from STEL, an entity clearly beneficially owned by Ms. Ritu Verma. The inclusion of the name of Ms. Shriti Verma in the list of beneficial owners of Master Experts Investments Ltd, in addition to Ms. Ritu Verma clearly stems from the intention of Ms. Ritu Verma to bestow the assets held in Master Experts Investments Ltd to Ms. Shriti Verma, an intention clearly expressed through her letter dated 09.06.2009 issues in respect of STEL. This however does not make such assets taxable in the hands of Ms. Shriti Verma. It is clear that such undisclosed foreign assets in the form of assets held in STEL, and Master Experts Investments Ltd have Ms. Ritu Verma as the beneficial owner.*
>
> *7.4.2 In view of the above, I find that the various foreign assets forming the basis of issue of the notice u/s 10(1) dated 30.12.2020 in the case of the assessee are actually not held by the assessee Ms. Shriti Verma as the beneficial owner but are held by Ms. Ritu Verma as the beneficial owner. Accordingly, no addition is being made herein so far as the assessee Ms. Shriti Verma is concerned."*

11. In view of the above observations made by the AO in the order passed under the Act of 2015 that the respondent-assessee was not a beneficial owner, the Commissioner of Income Tax (Appeals)-31, New Delhi so also the Tribunal set aside the assessment order dated 27.12.2018.

12. Mr. Puneet Rai, learned Senior Standing Counsel for the appellant argued that the Appellate Authority was not legally justified in setting aside the assessment order dated 27.12.2018.

13. He further submitted that the appeal filed by the mother of the assessee, namely Ms. Ritu Verma is still pending and until such proceedings attain finality, no clean chit could be given to the respondent-assessee, who is the daughter of said Ms Ritu Verma.

14. He argued that according to the submissions made by the respondent-assessee during the proceedings under the Act 2015, the property would vest in the respondent after demise of Ms. Ritu Verma.

15. Having heard learned counsel for the appellant and upon perusal of the material available on record, we are of the view that no interference is warranted under this Court's limited appellate jurisdiction under Section 260A of the Act of 1961.

16. The assessee's mother Ms. Ritu Verma took the plea before the Authority under the Act of 2015 that firstly, she is not the beneficial owner of the subject property while also taking an alternative plea that if the property is held to be owned by her as the beneficial owner, then the property would ultimately devolve in Shriti Verma-assessee after her demise.

17. The mere fact that she stated that the property would vest in the respondent-assessee after her demise, cannot change the legal position. In

other words, simply because the respondent-assessee is likely to inherit such property, the addition cannot be made, that too in the year under consideration.

18. We do not find any substance in the apprehension expressed by Mr. Puneet Rai, learned Senior Standing Counsel for the appellant that tomorrow Ms. Ritu Verma can change her version and take the plea that the property belong to her daughter namely, the respondent-assessee.

19. The appeals are, therefore, rejected.

DINESH MEHTA, J

VINOD KUMAR, J

MAY 19, 2026/*dd*