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

\+ ITA 147/2026

PR COMMISSIONER OF INCOME TAX (CENTRAL) 3 NEW DELHI .....Appellant

Through: Mr. Shlok Chandra, SSC, Ms. Naincy Jain and Ms. Madhavi Shukla, JSCs and Mr. Udit Dad, Adv.

versus

KRISHAK BHARTI COOPERATIVE LTD .....Respondent

Through: Ms. Surekha Raman, Adv.

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

O R D E R

% **23.02.2026**

CM APPL. 12096/2026

1. The office has pointed out that there is a delay of 475 days in refilling the appeal.

2. Learned counsel for the respondent opposed any indulgence to be granted to the appellant by pointing out that such a huge delay has been prayed to be condoned without mentioning any plausible reason.

3. Having heard learned counsel for the parties, we are of the view that though delay in refilling is substantial (475 days), but since such delay is only procedural and attributable to the advocate and also because the delay

does not render the appeal *per se* non maintainable, we are inclined to condoned the delay. The delay of 475 days is, therefore, condoned.

4. The application stands allowed.

CM APPL. 12095/2026

5. In relation to the instant application as well, learned counsel for the respondent submitted that there is 27 days delay and same has not been properly explained.

6. Having heard learned counsel for the parties, we are of the view that the delay of 27 days is liable to be condoned, as the reasons for delay have been departmental procedure. The delay is condoned.

7. The application is allowed.

CM APPL. 12094/2026

8. For the reasons stated, the application for exemption is allowed subject to just exceptions.

9. The application stands disposed of.

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10. Mr. Shlok Chandra, learned Senior Standing Counsel for the appellant fairly submitted that the issue involved in the present appeal, *viz* disallowance under Section 14A of the Income Tax Act, 1961 is covered against the Department in view of the judgment of this Court in the case of **PCIT v. M/s Era Infrastructure (India) Ltd.** as reported in (2022) 448 ITR 674 (Delhi).

11. Heard learned counsel for the parties.

12. In the case of **Era Infrastructure (India) Ltd.** (*Supra*), this Court has held thus:-

> *"8. Consequently, this Court is of the view that the*

amendment of Section 14A, which is "for removal of doubts" cannot be presumed to be retrospective even where such language is used, if it alters or changes the law as it earlier stood.

9. Though the judgment of this Court has been challenged and is pending adjudication before the Supreme Court, yet there is no stay of the said judgment till date. Consequently, in view of the judgments passed by the Supreme Court in Kunhayammed and Others vs. State of Kerala and Another, (2000) 6 SCC 359 and Shree Chamundi Mopeds Ltd. Vs. Church of South India Trust Association CSI Cinod Secretariat, Madras (1992) 3 SCC 1, the present appeal is dismissed being covered by the judgment passed by the learned predecessor Division Bench in PCIT vs. IL & FS Energy Development Company Ltd (supra) and Cheminvest Limited vs. Commissioner of Income Tax-VI, (2015) 378 ITR 33.

10. Accordingly, the appeal and application are dismissed. However, it is clarified that the order passed in the present appeal shall abide by the final decision of the Supreme Court in the special leave petition (SLP) filed in the case of Pr. CIT v. IL and FS Energy Development Company Ltd. (supra)."

13. Following the above judgment, the appeal is dismissed, however with the stipulation as given in para no. 10 above in the case of **M/s Era Infrastructure (India) Ltd. (*Supra*)**.

DINESH MEHTA, J

VINOD KUMAR, J

FEBRUARY 23, 2026/*cd*