IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH, DELHI

BEFORE SHRI ANUBHAV SHARMA, JUDICIAL MEMBER & SHRI SANJAY AWASTHI, ACCOUNTANT MEMBER

ITA No.1735/Del/2026 (Assessment Year: 2014-15)

Udit Cap-Fin Pvt. Ltd. M-5A, Magnum House-II, Karampura Comm Complex, Delhi – 110015	Vs.	DCIT, CC-26 E-2 ARA Centre, Jhandewalan Extension New Delhi – 110055
स्थायीलेखासं./जीआइआरसं./PAN/GIR No: AAACU1515D		
Appellant	..	Respondent

ITA No.1737/Del/2026 (Assessment Year: 2014-15)

Shree Shodashi Therapeutics Pvt. Ltd. 6196/2, Block No.1, Dev Nagar, Karol Bagh, Delhi – 110005	Vs.	DCIT, Central Circle -26 E-2 ARA Centre Jhandewalan Extension New Delhi – 110055
स्थायीलेखासं./जीआइआरसं./PAN/GIR No: AAACE0124C		
Appellant	..	Respondent

Appellant by :	Smt. Rano Jain, Adv. Ms. Mansi Jain Adv. Sh. Tanishq Ahuja, Adv.
Respondent by :	Sh. Ashok Gautam, CIT, DR

Date of Hearing	06.07.2026
Date of Pronouncement	10.07.2026

O R D E R

PER ANUBHAV SHARMA, JM:

These appeals preferred by the different Assessee against the order of the Ld. CIT(A)-25 Delhi (hereinafter referred to as the First Appellate Authority or 'the ld. FAA' for short) in appeals filed before him against the orders of the ld. Assessing Officer (hereinafter referred to as the Ld. AO, for short) passed u/s 153C of the Income-tax Act, 1961 (hereafter referred to as 'the Act'). Further details of the orders of the lower authorities are as under: -

ITA No. & AY	Ld. FAA who passed the appellate order	Appeal No. & Date of order of the Ld. FAA	AO who passed the assessment order & Date of order
1735/D/26 2014-15	CIT(A)-25 Delhi	DIN & Order No : ITBA/APL/S/250/2025-26/1086007989(1) Dated 13.02.2026	DCIT/ACIT, CC-26 New Delhi Dated 29.01.2024
1737/D/26 2014-15	CIT(A)-25 Delhi	DIN & Order No : ITBA/APL/S/250/2025-26/1086008139(1) Dated 13.02.2026	DCIT/ACIT, CC-28 New Delhi Dated 30.03.2024

2. These appeals of different assesse are adjudicated by common order as they involved same set of facts and legal grounds as raised. The issue primarily agitated in both the appeals was that based on the date of search in the Alankit Group in October, 2019 while satisfaction note by the

Assessing Officer of searched person has been recorded on 13.06.2022 and based upon same the satisfaction note by the same assessing officer has been recorded on 13.06.2022 in the case of assesse also. Therefore, the date of search should be assumed to be 13th June, 2022. Consequently, in the light of sub-section (3) of Section 153C the provisions of Section 153C will not apply for any search which is initiated on or after 01.04.2021. Thus, the assessments in case of assesse should have been completed u/s 147/148 of the Act and not u/s 153C of the Act.

3. Ld. DR has submitted that this aspect has been duly dealt by ld. CIT(A) and for convenience we reproduced para 9.2 of the impugned order, which is similar in the case of both the assesse.

> *"9.2 The appellant has also, in its submission filed, challenged the notice issued u/s 153C on grounds that deemed date of search/initiation of search in the appellant's case would be after 01.04.2021, during which period provisions of sections 147/148 were applicable. I have considered the contentions of the appellant but find the same to be untenable in the facts of the case. Search on Alankit group from which the incriminating documents/material emanated took place in October, 2019. Since the actual search took place in 2019, the assessment is governed by the laws as they stood on the date of search, for the cutoff of 01.04.2021 applies to the physical initiation of search. As held by the Hon'ble jurisdictional High Court of Delhi, the deeming fiction that shifts the date of search to the date of 'handing over' is intended for calculating the limitation period for assessment. Accordingly, the AO rightly carried out assessment proceedings u/s 153C of the Act in the instant case."*

4. Ld. CIT(A) in the aforesaid findings has not taken into account any proposition of law as stands settled while before us ld. Counsel has cited decision of Hon'ble Madras High Court in the case of Sh. Harigovind Vs.

ACIT, (2026) 485 ITR 509 (Madras HC) and Coordinate Bench decision in Minoti Malhotra Vs. DCIT, ITA 6405/Del/2025 dated 25.03.2026 and in case of Smt. Geetanjali Bhayana Vs. DCIT, ITA 2227/Del/2025, dated 27.01.2026 and in case of Sh. Ashutosh Aggarwal Vs. DCIT, ITA No. 6625/Del/2025 dated 30.04.2026, to support the contention that based on the deemed search year, arising out of recording of satisfaction in case of non-searched person, the provision of search assessment u/s 153C shall not be applicable and reopening u/s 147 of the Act can be done.

5. In the light of aforesaid, we are inclined to sustain the corresponding ground in the appeals and the appeals are allowed. The impugned assessment orders are quashed.

Order pronounced in the open court on 10.07.2026

Sd/-	Sd/-
(Sanjay Awasthi)	(Anubhav Sharma)
ACCOUNTANT MEMBER	JUDICIAL MEMBER

Dated 10.07.2026
Rohit, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR

ITAT NEW DELHI