

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 4326/2023
(Arising out of SLP(Civil) No. 7999/2023)

PRINCIPAL COMMISSIONER OF INCOME TAX
(CENTRAL) 2

Petitioner(s)

VERSUS

KING BUILDCON PVT. LTD.

Respondent(s)

O R D E R

Leave granted.

2. This appeal is directed against the final judgment and order dated 22.4.2022 passed by the High Court of Delhi at New Delhi in ITA No. 100/2022.

3. It is submitted by the learned counsel on both sides that the issue involved in this appeal is squarely covered by the decision of this Court in *Municipal Commissioner of Income Tax v. Abhisar Buildwell Pvt. Ltd.* [(2023) SCC Online SC 481]. In the light of the dictum laid down thereunder and in view of the indisputable fact that during the search no incriminating material was found, this appeal must fail. Consequently, it is dismissed.

4. However, in view of the decision in Abhisar's case (supra), completed/unabated assessments could be re-opened by the AO in

exercise of powers under Sections 147/148 of the Income Tax Act subject to fulfilment of the conditions envisaged under Sections 147/148 of the Income Tax Act and hence, such powers are saved in terms of the said judgment.

5. Subject to the above, the appeal stands dismissed.

6. Pending application(s) shall also stand disposed of.

.....J.
(C.T. RAVIKUMAR)

.....J.
(MANOJ MISRA)

New Delhi
July 10, 2023

ITEM NO.58

COURT NO.16

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7999/2023

(Arising out of impugned final judgment and order dated 22-04-2022 in ITA No. 100/2022 passed by the High Court Of Delhi At New Delhi)

PR. COMMISSIONER OF INCOME TAX (CENTRAL) 2

Petitioner(s)

VERSUS

KING BUILDCON PVT. LTD.

Respondent(s)

**(IA No.36109/2023-CONDONATION OF DELAY IN FILING and IA No.36112/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 36109/2023 - CONDONATION OF DELAY IN FILING
IA No. 36112/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

Date : 10-07-2023 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s) Mr. Balbir Singh, A.S.G.
Mr. Raj Bahadur Yadav, AOR
Mr. Shashank Bajpai, Adv.
Mr. Ashok Panigrahi, Adv.
Mr. Durga Dutt, Adv.
Mr. Rupender Sinhmar, Adv.
Mr. Ak Kaul, Adv.**

**For Respondent(s) Mr. Gautam Jain, Adv.
Mr. Rahul Gupta, AOR**

**UPON hearing the counsel the Court made the following
O R D E R**

Leave granted.

Appeal is dismissed in terms of the signed order.

**(DR. NAVEEN RAWAL)
ASTT. REGISTRAR-cum-PS**

**(RENU BALA GAMBHIR)
COURT MASTER (NSH)**

(Signed order is placed on the file)