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

% *Date of Decision: 05.05.2025*

\+ W.P.(C) 3796/2025 & CM APPL. 17699/2025

LANDCRAFT DEVELOPERS PRIVATE LIMITED .....Petitioner
Through: Mr. Sumit Lalchandani, Advocate.

versus

ASSISTANT COMMISSIONER OF INCOME TAX, CENTRAL CIRCLE 27, DELHI & ANR. .....Respondents
Through: Mr. Shlok Chandra, Sr. Standing Counsel with Ms. Naincy Jain, Jr.SC, Ms. Madhavi Shukla, Jr. SC & Mr. Ujjwal Jain, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

VIBHU BAKHRU, J.(*Oral*)

1. The Petitioner has filed the present petition impugning a notice dated 19.12.2023 [**impugned notice**] issued under Section 153C of the Income Tax Act, 1961 [**the Act**] in respect of Assessment Year [**AY**] 2015-16. The Petitioner states that the proceedings pursuant to the impugned notice dated 19.12.2023 are barred by limitation, as no assessment order can now be passed, as the time period stipulated for passing an assessment order, has elapsed. The Petitioner's challenge rests on Section 153B of the Act, which stipulates that an assessment order pursuant to a notice under Section 153C is

required to be passed within a period of twelve months from the end of the financial year in which the said notice was issued. The Petitioner claims that since the said period has elapsed, the Revenue is required to be restrained from proceeding further with the impugned notice.

2. The notice in the present petition was issued on 26.03.2025, and the Revenue was granted time to file a reply, if any, within a period of two weeks from the date of the said order. However, no such reply has been furnished.

3. The learned counsel appearing for the Revenue also sought further time on 01.05.2025, which was granted and accordingly, the petition has been listed today. However, the Revenue has not filed its counter affidavit.

4. Briefly stated the relevant facts necessary to address the controversy involved in the present petition are as follows:

4.1. The Petitioner filed its return of income for AY 2015-16 on 29.11.2015, declaring a total income of ₹80,84,170/-. On 18.10.2019, a search and seizure operation were conducted under Section 132 of the Act in respect of entities belonging to the Alankit Group. It is alleged that during the course of search, certain assets/documents were found, which belonged to the Petitioner or contained information relating to the Petitioner.

5. The Assessing Officer [**AO**], exercising jurisdiction over the searched entities, recorded a satisfaction note on 22.06.2022. The relevant extract of the satisfaction note is set out below:

"**PROFORMA FOR RECORDING OF SATISFACTION ABOUT SEIZED ASSETS BELONGING TO PERSON OTHER THAN THE PERSON SEARCHED**

(To be filled by the Assessing Officer of searched person)

1	Name of the group, if any, searched	Alankit Group

2	Name of the assessee in whose case assets (Money, bullion, jewellery or, other valuable article or thing) or papers (books of accounts or documents) seized u/s 132/ requisitioned u/s 132A.	Sh. Alok Kumar Agarwal, Sh. Ankit Agarwal, M/s Alankit Limited, M/s Alankit Assignments Limited
3	PAN of searched assessee	Sh. Alok Kumar Agarwal, (PAN: AAJPA1283A) Sh. Ankit Agarwal, (PAN: AGAPA5363L) M/s Alankit Limited, (PAN: AAACE 1288P) M/s Alankit Assignments Limited (PAN: AAACA9483E)
4	Name and address of the other person to whom seized assets /papers belong.	**M/s Landcraft Developers Pvt. Ltd.**
5	PAN of other person	**AABCL1391F**
6	Identification of the seized asset/papers which in the opinion of AO of the searched assessee (S. No. 2), belong to the other person (S. No.4)	Annexure A-31 as HP Laptop was obtained/seized from the premises- 3584/4 Narang Colony, Gali No.4, Tri Nagar, Delhi.
	(i) Details of Panchnama & Annexure through which relevant asset/document was seized/requisitioned*	Panchnama dated 18.10.2019 and 21.10.2019 prepared in the case of Sh. Alok Kumar Agarwal, Sh. Ankit Agarwal, M/s Alankit Limited and M/s Alankit

		Assignments Limited at 3584/4 Narang Colony, Gali No.4, Tri Nagar, Delhi.
	(ii) Date of above Panchnama(s)	18.10.2019 and 21.10.2019
	(iii)Address of the place/premises from where asset/paper was seized.	3584/4 Narang Colony, Gali No.4, Tri Nagar, Delhi
	(iv) Description of relevant asset/paper(s)	As per Annexure
	(v) The brief reasons on the basis of which the AO reached to the conclusion that the relevant seized asset/paper belongs to the other person (use Annexure if required)	All these documents have been found and seized during the course of search u/s 132 of the Income Tax Act, 1961 carried in the case of Sh. Alok Kumar Agarwal, Sh. Ankit Agarwal, M/s Alankit Limited and M/s Alankit Assignments Limited at 3584/4 Narang Colony, Gali No.4, Tri Nagar, Delhi. In view of the description of the documents found and seized, I am satisfied that the documents belonging to **M/s Landcraft Developers Pvt. Ltd. (PAN-AABCL1391F)** i.e. the case belongs

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		to a person other than the person searched. Therefore, this is a fit case to initiate proceedings u/s 153C of the Income Tax Act, 1961.
7	Assessment years involved.	**A.Y. 2010-11 to 2020-21**

*Copy of relevant Panchnama shall be integral part of satisfaction note.

In view of the above, I am satisfied that these documents also contain information which relates to above referred 'other person' and have a bearing on the determination of its total income. Accordingly, these documents are handed over to the AO of other person, for necessary action in the case of the above referred 'other person' under section 153C of the I.T. Act 1961 for the relevant assessment years as per the seized documents."

[emphasis added]

6. As noted above, the note clearly records that the documents and information relating to the Petitioner were handed over to the AO having jurisdiction over the case of the Petitioner is correct. Thus, the documents in question were received by the AO of the Petitioner on 22.06.2022. In the given facts, the period of limitation, as stipulated under Section 153B of the Act, for passing an assessment order is to be reckoned from the said date.

7. As noted above, in terms of Section 153B of the Act, the AO was required to pass an assessment order within a period of twelve months from the end of the financial year in which the documents were received, that is, from the end of the financial year 2022-23. Therefore, the last date for completion of the assessment was 31.03.2024, which has since passed. The present petition was listed on 26.03.2025, and admittedly, no order of

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assessment has been passed as of the date of filing of the petition.

8. In view of the above, the present petition is allowed and the proceedings commenced pursuant to the impugned notice are set aside. It is also clarified that, in the event, any assessment order has been passed after filing of this petition in respect of AY 2015-16 pursuant to the impugned notice, the same would also stand quashed.

9. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

TEJAS KARIA, J

MAY 5, 2025/ *'A'*

Click here to check corrigendum, if any