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

\# **CNR No. DLHC010549442022**

\# **CNR No. DLHC010551322022**

\+ ITA 205/2024

\+ ITA 207/2024

PR. COMMISSIONER OF INCOME TAX -CENTRAL -1 .....Appellant

Through: Mr. Ruchir Bhatia, SSC along with Mr. Anant Mann, JSC.

versus

MODTECH INDUSTRIES .....Respondent

Through: Mr. Salil Agarwal, Sr. Advocate with Mr. Madhur Agarwal, Mr. Uma Shankar and Mr. Mahir Aggarwal, Advocates.

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% 30.07.2026

1. Admit.

2. Having heard learned counsel for the parties, we find that following substantial questions of law arise for consideration: -

(i) Whether the Income Tax Appellate Tribunal was justified in setting aside the assessment order dated 30.12.2018, by observing that there was no 'incriminating material' to proceed against the assessee?

(ii) Whether in the facts of the case, the Business Transfer Agreements (BTAs) dated 11.06.2014 and other related documents which the Assessing Officer claimed to have found

during the course of search, can be held to be ‘incriminating material’, when it is the case of the assessee that the same were duly disclosed along with the return of income?

3. Issue notice, Mr. Madhur Agarwal, learned counsel for the respondent accepts notice.

4. List these cases for hearing in due course.

DINESH MEHTA, J.

RAJNEESH KUMAR GUPTA, J.

JULY 30, 2026/v