HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Income Tax Appeal No. 33/2026

The Principal Commissioner Of Income Tax

----Appellant

Versus

Chambal Fertilizers And Chemicals Ltd.

----Respondent

For Appellant(s) : Mr. Shantanu Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE INDERJEET SINGH

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

30/04/2026

Heard.

Admit.

This appeal is admitted on following substantial questions of law:

> *"1. Whether on the facts & circumstances of the case and in law, the Hon'ble ITAT is justified in setting-aside the revisionary order passed by the Principal Commissioner of Income Tax under section 263 of the Income-tax Act, 1961, ignoring the deeming provisions contained in Explanation 2 to section 263, despite the Assessing Officer having failed to conduct necessary enquiries and verification on the issue of taxability of income received from the foreign Joint Venture?*
>
> *3. Whether, on the facts & circumstances of the case and in law, the Hon'ble ITAT has erred in holding that the invocation of section 263 amounted to a mere "change of opinion", when the assessment order was completely silent and non-speaking on the issue of applicability of Article 9 of the India-Morocco DTAA and the correct head and rate of taxation of income of Rs. 71,80,35,464/- received from the Joint Venture?*

Issue notice to respondent(s).

(ASHOK KUMAR JAIN),J (INDERJEET SINGH),J

CHETNA BEHRANI /47