

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Income Tax Appeal No. 53/2026

The Principal Commissioner Of Income Tax-1, Jaipur, New Central Revenue Building, Statue Circle, B.d. Road, Jaipur.

----Appellant

Versus

Smt. Nitu Khadariya, Baba Market C/o Ganpati Timber Store, Near Bank Of Baroda, Dcm Ajmer Road, Jaipur, (Pan No. Avppk6180P).

----Respondent

For Appellant(s) : Mr. Nitin Jain with
Ms. Kriti Kalawatia
Mr. Vaibhav Pareek

For Respondent(s) :

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

23/04/2026

Heard learned counsel for the appellant.

This appeal is admitted on the following substantial questions of law:-

- A. That the impugned Order dated 9.10.2025 passed by the Learned Tribunal is perverse and contrary to the settled position of law.*
- C. That the impugned Order dated 9.10.2025 passed by the Learned Tribunal is erroneous, perverse and has been passed on the basis of surmises and conjectures without appreciating the correct facts and circumstances of the case in light of the law applicable.*

D. That the learned ITAT has grossly erred by not appreciating the fact and circumstances of the case and the cogent reasoning given by the Assessing Officer while passing the Assessment Order.

E. The ITAT erred in law by quashing the reassessment proceedings solely on the ground that the notice issued under section 148 was barred by limitation, without examining the merits of the case. The reassessment was initiated on the basis of specific, credible and tangible information received from the Investigation Wing after a search in the Banka Group, which clearly indicated that the assessee was a beneficiary of an accommodation entry. The ITAT failed to consider the serious nature of tax evasion involved and ignored the findings of the Assessing Officer on merits.

Issue notice to the respondents.

(ASHOK KUMAR JAIN),J

(INDERJEET SINGH),J