Pr. Commissioner of Income Tax (Central)-2 v. Nagar Dairy Pvt. Ltd.

ITA 419/2023 (CM No. 39035-36/2023)

2023:DHC:5706-DB; ITA 419/2023 | 2023-08-02

Completed assessment could not be disturbed using seized vouchers relating to other assessment years.

Income-tax Act,1961: sections 132, 153C

High Court of Delhi | 2-judge bench (Division Bench) | Justice Rajiv Shakdher | Justice Girish Kathpalia

Assessment years: 2009-10

01 FACTS OF THE CASE

Revenue appealed the Tribunal's 23 November 2022 order concerning AY 2009-10. It was undisputed that this assessment was completed. Seized milk-purchase vouchers relied upon concerned AYs 2010-11 and 2011-12.

Source: PDF pp.2–4

02 DISCUSSION BY THE HON'BLE COURT

The Tribunal found no incriminating material relevant to the completed year. Although satisfaction was recorded, the cited documents did not relate to AY 2009-10. Earlier appeals from the common Tribunal order had already been decided.

Source: PDF pp.2–4

03 JUDICIAL DECISION

Applying the position in Kabul Chawla, affirmed in Abhisar Buildwell, the Court found no reason to interfere with the Tribunal's conclusion.

Source: PDF p.4

04 OUTCOME / IN WHOSE FAVOUR

Revenue's appeal was closed. The 14-day filing delay was condoned; the Court did not adjudicate the substantive deductibility of milk expenses.

Source: PDF pp.1–2, 4

05 EXPERT COMMENTS

AKHB Expert Comments — editorial analysis, distinct from the Court's findings.

Match each seized document to the assessment year: The critical weakness was not the complete absence of search material: vouchers existed, but related to later years. A useful evidential comparison records the date and accounting period of each relied-upon document against the particular assessment under challenge. Material for one year cannot simply be described as incriminating for every year in a common proceeding. (PDF pp.3–4)

Completed status is part of the reasoning: The Court expressly recorded that AY 2009-10 was a completed assessment. The conclusion should be applied with that premise intact, rather than as a universal restriction on every assessment following a search. The note preserves this appeal's year even though the quoted Tribunal discussion encompasses other years. (PDF pp.2–4)

Satisfaction and relevant material are different inquiries: Recording satisfaction did not cure the lack of material relating to this year. Conversely, this order does not decide the accuracy of each milk-purchase claim or the outcome of the later-year assessments. The related appeals explain the precedent followed; they do not erase the separate docket and operative result recorded here. (PDF pp.3–4)

Source: PDF pp.3–4

SOURCE & VERIFICATION

Original High Court judgment PDF — AKHB source repository

Complete 4-page original reviewed; source bytes verified.

Full original and all five panels re-reviewed on 21 October 2026.

Open cited source rendition

Complete original source and all five note panels checked; original docket identities preserved.

STATUTORY SCOPE

Current law and subsequent treatment not independently verified.

LATER TREATMENT

Source checked 2026-10-21. Subsequent proceedings and current judicial treatment have not been independently verified.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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