Principal Commissioner of Income Tax (Central)-3, New Delhi v. Krishak Bharti Cooperative Ltd. (KRIBHCO)

ITA 147/2026

ITA 147/2026 (Delhi HC, decided 2026-02-23) | 2026-02-23

Section 14A appeal dismissed following Era Infrastructure, expressly subject to the Supreme Court's final decision in the IL & FS Energy SLP.

Income-tax Act, 1961: section 14A

High Court of Delhi | 2-judge bench (Division Bench) | Justice Dinesh Mehta | Justice Vinod Kumar

Assessment years: Not specified in supplied order

Order abides by final Supreme Court decision in PCIT v. IL & FS Energy Development Co. Ltd.

Paragraph 13 incorporates paragraph 10 of Era Infrastructure, clarifying that the dismissal of the Revenue's appeal shall abide by the final decision of the Supreme Court in the SLP filed in PCIT v. IL & FS Energy Development Co. Ltd.

01 FACTS OF THE CASE

The Revenue brought ITA 147/2026 concerning disallowance under section 14A. The Court condoned delays of 475 days in re-filing and 27 days in filing, then recorded Revenue counsel's concession that Era Infrastructure covered the issue against the department. The source does not give the assessment year, amount or underlying appellate-order particulars.

Source: PDF p.1

02 DISCUSSION BY THE HON'BLE COURT

Revenue accepted that the section 14A issue was covered by Era Infrastructure. The Court reproduced that decision's discussion of non-retrospectivity and its reservation tied to the IL & FS Energy Supreme Court proceedings, then adopted the reservation in dismissing this appeal. The present order does not specify an assessment year, disallowance amount or factual finding about exempt income earned by this assessee.

Source: PDF p.2

03 JUDICIAL DECISION

Following Era Infrastructure (India) Ltd., the High Court dismissed the Revenue's appeal with the stipulation that the order shall abide by the final decision of the Supreme Court in the SLP in PCIT v. IL & FS Energy Development Co. Ltd.

Source: PDF p. 3, para 13

04 OUTCOME / IN WHOSE FAVOUR

Revenue's appeal was dismissed, expressly subject to the final Supreme Court decision identified through Era Infrastructure. This was not an unconditional final statement of the present legal position.

Source: PDF p.3

05 EXPERT COMMENTS

The Supreme Court reservation is operative — Paragraph 13 adopts the reservation in Era Infrastructure. The dismissal must be reported with that qualification, and later treatment checked before describing an unconditional final entitlement.

Do not manufacture the assessment facts — The order states the section 14A issue but not the assessment year, amount or exempt-income figure. Those details cannot be inferred merely because a precedent concerning them was followed.

Quoted procedural history is not a live status check — The passage about a pending challenge and absence of stay is reproduced from Era Infrastructure. It is not evidence of today's Supreme Court docket status.

Separate condonation from the merits — The Court condoned 475 days in re-filing and 27 days in filing for the reasons recorded, then dismissed on precedent. Those condonation orders do not create a general exemption for departmental delay.

Source: PDF p.3

SOURCE & VERIFICATION

High Court of Delhi official judgment PDF - AKHB Repository (DLHC011320532024_1_2026-02-23.pdf)

3-page official High Court of Delhi judgment PDF (DLHC011320532024_1_2026-02-23.pdf, 41,824 bytes).

Complete source text and every original page visually reviewed; identity and SHA-256 checked. AI-assisted source analysis.

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STATUTORY SCOPE

The source quotes Era Infrastructure on section 14A non-retrospectivity but does not identify the assessment year or set out the amendment text. The Supreme Court reservation is expressly retained.

LATER TREATMENT

Source checked 2026-10-21. Subsequent judicial treatment has 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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