Alka Agarwal v. Deputy Commissioner of Income Tax Central Circle 28, Delhi & Anr.

W.P.(C) 4254/2026; CM APPL. 20672/2026 and 20673/2026

W.P.(C) 4254/2026; CM APPL. 20672/2026 and 20673/2026 (Delhi High Court, 2026-04-01) | 2026-04-01

Reassessment and consequential proceedings set aside because the same-day reply was not considered; eight-week remand and hearing on request.

Income-tax Act,1961: sections 147, 143(3)

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

Assessment years: Not specified in order text

01 FACTS OF THE CASE

Alka Agarwal challenged the reassessment order dated 27 February 2026 under section 147 read with section 143(3). Her counsel alleged breach of natural justice and inconsistency with the legal position including Union of India v. Rajeev Bansal, 2024 INSC 754. Revenue's counsel accepted that a reply appeared to have been filed on the same date as the order but was not considered, possibly through inadvertence or a communication gap.

Source: PDF pp.1–2, paras 1–3

02 DISCUSSION BY THE HON'BLE COURT

In light of the unconsidered reply, the Court set aside the order and consequential proceedings. It required the AO to consider the reply in accordance with law, including the petitioner's objection in light of Rajeev Bansal. It did not decide that objection itself.

Source: PDF p.2, paras 3–4

03 JUDICIAL DECISION

The matter was remanded to the AO for a fresh order within eight weeks from 1 April 2026 after considering the reply dated 27 February 2026. If the petitioner sought a personal hearing, the AO was required to give it. The petition was allowed and the two applications disposed of.

Source: PDF p.2, paras 4–6

04 OUTCOME / IN WHOSE FAVOUR

Procedural relief to the petitioner: reassessment order and consequential proceedings set aside, with fresh adjudication directed. No final deletion on tax merits was granted.

Source: PDF p.2, paras 4–6

05 EXPERT COMMENTS

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

The unconsidered reply was the operative defect: Revenue's acknowledgement linked the same-day reply and order to the failure to consider the taxpayer's response. The Court's remedy restored consideration by the AO. It did not hold that merely filing a reply on an assessment date invalidates every order; the recorded failure to consider this reply explains this result. (PDF p.2, paras 3–4)

The remand contains both a deadline and a conditional hearing right: The AO had eight weeks from the judgment date to pass a fresh order and had to grant a personal hearing if requested. A useful remand record would therefore retain the 27 February reply and a clear hearing request. The order creates no one-week window for supplementary submissions; adding one would alter the directions. (PDF p.2, paras 4–5)

Rajeev Bansal was left for the AO to apply: The AO was directed to consider the petitioner's objection in light of Rajeev Bansal, not instructed to allow it. The supplied judgment gives neither the detailed reassessment chronology nor a limitation calculation. The setting aside of consequential proceedings is procedural relief, not a finding that reopening is permanently barred. (PDF p.2, para 4)

Source: PDF p.2, paras3–4

SOURCE & VERIFICATION

Original judgment PDF (DLHC010128812026_1_2026-04-01.pdf)

Complete 2-page original read and every page visually reviewed; source bytes verified. Commentary is editorial analysis of this order, not current-law clearance.

Full original and all five note panels re-reviewed on 21 October 2026; unsupported supplied assertions removed.

Open cited source rendition

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

STATUTORY SCOPE

Only provisions expressly stated in this order are indexed. Subsequent treatment and current law have not been 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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