The Commissioner of Income Tax - International Taxation -2 v. National Petroleum Construction Company

ITA 405/2026 with ITA 406/2026 (CM APPL. 32758-59/2026 & 32763-64/2026)

ITA 405/2026 with ITA 406/2026 (CM APPL. 32758-59/2026 & 32763-64/2026) (High Court of Delhi, 2026-05-14) | 2026-05-14

Both appeals were dismissed and pending applications disposed of; the 427-day refiling delay was condoned.

Income-tax Act, 1961: 260A

High Court of Delhi | Division Bench | Dinesh Mehta | Vinod Kumar

Assessment years:

Scope of this source order

Consult the incorporated earlier decision for the substantive permanent-establishment reasoning. Do not attribute detailed turnkey-contract findings to this two-page order.

01 FACTS OF THE CASE

Revenue's ITA405/2026 and ITA406/2026 challenged the Tribunal's 24 August 2022 order. The respondent invoked the same assessee's earlier decisions, including ITA361/2025 decided on 29 August 2025. The source does not identify the assessment years of these two appeals; AY2007–08 and AY2008–09 are mentioned only for earlier litigation.

Source: Paras3–6, PDF pp.1–2

02 DISCUSSION BY THE HON'BLE COURT

The Court condoned 427 days' delay in re-filing. Revenue could not dispute the respondent's account of the earlier decision. To maintain consistency, the Court followed ITA361/2025. The two-page order does not reproduce any permanent-establishment or contract-attribution reasoning.

Source: Paras1–7, PDF pp.1–2

03 JUDICIAL DECISION

Both appeals were dismissed following the decision dated 29 August 2025. Pending applications were disposed of. The express delay-condonation ruling concerns re-filing; a separate filing-delay application was also pending.

Source: Paras1–2,7–8, PDF pp.1–2

04 OUTCOME / IN WHOSE FAVOUR

Final assessee-favourable dismissal by following its earlier case. The judgment is not merely an order condoning delay, and it supplies no independently reasoned PE holding or present-year tax computation.

Source: Paras7–8, PDF p.2

05 EXPERT COMMENTS

Distinguish re-filing from filing delay — The 427-day figure belongs to re-filing and was expressly condoned. The filing-delay applications are separately identified, and the ultimate disposal follows the earlier merits position. Calling this solely a limitation dismissal would miss the Court's stated basis; claiming all delay was expressly condoned would also go beyond the text.

Use the earlier judgment for the substantive proposition — The decisive link is ITA361/2025 dated 29 August 2025. The present order confirms consistency but does not reproduce the tax issue's detailed reasoning. Its mention of AY2007–08 and AY2008–09 concerns earlier litigation, so those years cannot be assigned to ITA405/2026 and ITA406/2026 without another source.

Source: Editorial analysis; source references in the structured comments

SOURCE & VERIFICATION

High Court of Delhi source judgment/order

Complete 2-page source PDF; corrected note based on this document.

All 2 original pages read and visually inspected; source hash verified. AI-assisted substantive correction.

Open cited source rendition

Source bytes and identity checked; see panel-specific references and disclosed source anomalies.

STATUTORY SCOPE

Source-era statutory provisions only; no Income-tax Act, 2025 equivalence asserted.

LATER TREATMENT

Source checked 2026-10-21. Subsequent treatment not 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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