Commissioner of Income Tax, Ajmer v. Meena Devi Mansinghka

ITA 95, 96 and 97/2007

ITA 95, 96 and 97/2007 | 2007-05-25

Defective valuation report alone did not support reopening; Revenue's three appeals dismissed.

Income-tax Act,1961: sections 147, 148

High Court of Judicature for Rajasthan | Division Bench at Jodhpur | P.B. Majmudar | Dinesh Maheshwari

Assessment years: 1995-96, 1996-97, 1998-99

01 FACTS OF THE CASE

Revenue's ITAs 95, 96 and 97/2007 challenged the common Tribunal order of 19 August 2005 concerning AYs 1995-96, 1996-97 and 1998-99. A house at Shastri Nagar, Bhilwara had declared construction cost of Rs.8,00,000 against DVO valuation of Rs.18,13,100. The report led to reopening of these completed assessments.

Source: PDF pp.1–2

02 DISCUSSION BY THE HON'BLE COURT

The Tribunal found that the sole reopening basis was the DVO report, which contained defects and mistakes. The Court consulted its earlier Sohan Devi Sodhani decision: valuation using 1998 BSR rates did not establish investment in earlier years in that case. Here too, no material supported the necessary belief.

Source: PDF pp.2–4

03 JUDICIAL DECISION

The Court found no error in treating the reassessments as invalid from inception and no substantial question of law. All three Revenue appeals were summarily dismissed.

Source: PDF p.4, operative reasoning and order

04 OUTCOME / IN WHOSE FAVOUR

The assessee retained the Tribunal's quashing of reassessment for the three specified years. This common order does not independently decide the separate AY 1997-98 addition mentioned in the background or determine the correct construction cost.

Source: PDF pp.1–2 and 4

05 EXPERT COMMENTS

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

Connect valuation to the year reopened: The report's existence did not itself establish escaped income in each completed assessment. The reasoning requires attention to defects, the year of expenditure and any other supporting material. It does not make every valuation report legally irrelevant in every setting. (PDF pp.2–4)

Keep the cited precedent's facts separate: The specific 1998 BSR-rate mismatch is recounted in the quotation from Sohan Devi Sodhani. Meena Devi's report is described as defective, but the Court does not enumerate identical defects in it. Attributing every detail of that quotation to this assessee would overstate the factual record. (PDF pp.3–4)

The relief concerns three reassessments: The caption covers ITAs 95, 96 and 97/2007 and the three years collectively. The Rs.1,94,972 addition for AY 1997-98 appears only as background. It is not a fourth appeal disposed of here, nor is the Rs.8 lakh declared cost judicially certified. (PDF pp.1–2 and 4)

Source: PDF pp.2–4

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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