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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ITA 118/2025**

PR. COMMISSIONER OF INCOME TAX, DELHI - 1

.....Appellant

Through: Mr Vipul Aggarwal, SSC, Ms Sakshi Shairwal, and Mr Akshat Singh, JSCs and Mr Gaurang Ranjan, Advocate

versus

M/S BUENO FOODS PVT. LTD.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **25.04.2025**

CM APPL. 24215/2025(condn of delay in refiling)

1. For the reasons stated in the application, the delay of 434 days in re-filing the above captioned appeal stands condoned.
2. The application stands disposed of.

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3. Mr Aggarwal, learned counsel appearing for the Appellant submits that the issue involved in the present appeal is covered by the earlier decision of the Co-ordinate Bench of this court in *Pr. Commissioner of Income Tax (Central)-2 v. Caddie Hotels Pvt Limited: ITA No. 470/2024* decided on 02.09.2024 as well as the case of *Agra Portfolio Pvt Limited v. Principal Commissioner of Income Tax & Another: (2024) 464 ITR 348*.
4. However, Mr Aggarwal, the learned counsel for the Appellant states that in terms of the said decisions, the matters were remanded to the Assessing Officer [AO] for determination of the valuation by applying the



correct method of valuation, that is, DCF, in the event, the AO was of the view that the valuation presented was erroneous. He submits that in the circumstances, the matter is required to be remanded to the AO, however, the learned Income Tax Appellate Tribunal has not passed any such directions.

5. Issue notice to the respondent through all permissible modes returnable, on 10.11.2025.

VIBHU BAKHRU, J

TEJAS KARIA, J

APRIL 25, 2025

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Click here to check corrigendum, if any