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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ ITA 489/2024

CBRE SOUTH ASIA PRIVATE LIMITEDAppellant

Through: Dr. Shashwat Bajpai, Mr.
Sudarshan Roy and Mr.
Vaibhav Singh, Advocates.

versus

ACIT, CIRCLE 5 (2), NEW DELHIRespondent

Through: Mr. Sanjay Kumar, SSC.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

12.09.2024

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CM APPLs. 53311-12/2024 (Exemptions)

Allowed, subject to all just exceptions.

These applications stand disposed of.

ITA 489/2024

1. We take note of the submission addressed by Dr. Bajpai, learned counsel appearing for the appellant, who contends that for the assessment year in question, the period for completion of assessment in terms of Section 153(1) of the Income Tax Act, 1961 ['Act'] would have come to an end on 31 March 2018. However, and as is apparent from the record, the reference to the Transfer Pricing Officer itself was made thereafter and on 19 September 2018. The matter requires consideration.

2. Notwithstanding this aspect having not been raised before the Income Tax Appellate Tribunal ['Tribunal'], since the same is



essentially a legal question and goes to the very root of the assessment exercise which had been undertaken, we deem it appropriate to admit the appeal on the following question of law:-

- A. Whether the final assessment order on 24 September 2019 passed by the Assessing Officer [‘AO’] for Assessment Year [‘AY’] 2015-16 were in violation of the strict timelines as prescribed under Section 153 of the Act and therefore invalid in the eyes of law?”
3. List again on 13.01.2025.

YASHWANT VARMA, J.

RAVINDER DUDEJA, J.

SEPTEMBER 12, 2024/vp