



2026:DHC:8622-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 30th September, 2026

CNR No. DLHC010315292026
+ W.P.(C) 9868/2026, CM APPL. 45930/2026, CM APPL. 45931/2026
CNR No. DLHC010336572026
+ W.P.(C) 10506/2026, CM APPL. 48614/2026, CM APPL. 48615/2026
CNR No. DLHC010338182026
+ W.P.(C) 10556/2026, CM APPL. 48890/2026, CM APPL. 48891/2026
CNR No. DLHC010314252026
+ W.P.(C) 9869/2026, CM APPL. 45932/2026, CM APPL. 45933/2026
CNR No. DLHC010315222026
+ W.P.(C) 9870/2026, CM APPL. 45934/2026, CM APPL. 45935/2026
CNR No. DLHC010314322026
+ W.P.(C) 9871/2026, CM APPL. 45936/2026, CM APPL. 45937/2026
CNR No. DLHC010315252026
+ W.P.(C) 9872/2026, CM APPL. 45938/2026, CM APPL. 45939/2026
CNR No. DLHC010314372026
+ W.P.(C) 9873/2026, CM APPL. 45940/2026, CM APPL. 45941/2026
CNR No. DLHC010314392026
+ W.P.(C) 9874/2026, CM APPL. 45942/2026, CM APPL. 45943/2026
SAHARA INDIA

SAHARA INDIA FINANCIAL CORPORATION LTDPetitioners
Through: Mr. Aditya Vohra and Mr. Shubhra
Goyal, Mr. Naresh Kapila and Mr.
Sanjeeva Kr. Gupta, Advs.

versus

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INCOME TAX APPELLATE TRIBUNAL DELHI BENCH & ORS.

.....Respondents

Through: Mr. Ruchir Bhatia, SSC with Mr.
Anant Mann, JSC and Mr. Pratyaksh
Gupta, JSC

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE DR. JUSTICE ADITI CHOUDHARY

J U D G M E N T

DINESH MEHTA, J. (ORAL)

1. These writ petitions lay challenge to order(s) passed by the Income Tax Appellate Tribunals in different appeals and cross-appeals filed by the assessee and Revenue, which were pending before the Income Tax Appellate Tribunal, New Delhi (*hereinafter referred to as 'Tribunal'*).
2. By way of the order(s) impugned the Tribunal held that the subject appeals were not maintainable before the Delhi Bench in light of the judgment of Hon'ble the Supreme Court rendered in the case of ***Principal Commissioner of Income Tax 1 v. M/S ABC Papers Limited*** reported in (2022) 447 ITR 1 (SC).
3. Mr. Aditya Vohra, learned counsel for the petitioners submitted that the petitioners had preferred the appeals before the Tribunal as the order impugned before the Tribunal was passed by the Commissioner of Income-Tax (Appeal) (*hereinafter referred to as 'CIT(A)'*) of Delhi. He argued that since the impugned orders were passed in Delhi, corresponding appeals were maintainable at Delhi.

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4. While contending that Hon'ble the Supreme Court's judgment rendered in the case of **ABC Papers Limited (supra)** is applicable on income-tax appeals before the High Court, he submitted that not only the assessee but also the Revenue requested the Tribunal that the appeals be heard at Delhi and therefore the Tribunal should not have sent the appeals to the Lucknow Bench.

5. Heard learned counsel for the parties.

6. Technically speaking, the view taken by the Tribunal, in light of Rule 4 of Income-tax (Appellate Tribunal) Rules, 1963 read with Standing Order F. No.63 AD (AT)/97 dated 16.09.1997 cannot be said to be erroneous inasmuch as the place of business of the petitioners so also office of the Assessing Officer who had assessed the petitioners are/were situate in Lucknow.

7. It is a different matter altogether that the appeals of the petitioners-assesseees came to be decided by the CIT(A), Delhi because of the fact that during the pendency of the appeals an order dated 04.04.2006 under Section 120 of the Income tax Act, 1961 came to be passed by the Chief Commissioner of Income-tax, Kanpur and the jurisdiction was conferred upon the CIT(A)-I, New Delhi.

8. However, if we take a holistic and pragmatic view of the matter, more particularly, our order dated 22.01.2026 passed in case of the very same group companies, we find that we had held most of the appeals to be maintainable at Delhi Bench of the Tribunal while observing thus:-

"16. The orders dated 20.11.2024 passed by Delhi Bench of the Tribunal, impugned in the present writ petition rejecting the appeals outrightly on the ground of lack of territorial jurisdiction, despite being cognizant of the fact that the appeals came to be transferred by the order passed by the President of the Tribunal shocks us, to say the least. We are using such strong expression for the Delhi Bench of the Tribunal, because of the background

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facts.

17. A simple look at para No.4 of the impugned order clearly unravels that the fact that the appeals stood transferred from the Lucknow Bench of the Tribunal was very much known to the Bench hearing the appeals. We would like to reproduce relevant part of the order to underscore that the Tribunal was cognizant of the factum of transfer, which reads as follows :

"4. Faced with this situation, both the learned parties raised their vehement submissions that Income Tax Appellate Tribunal, Delhi Benches could very well decide the instant cases once they have transferred from Lucknow benches."

18. According to us, the impugned order passed by the Delhi Bench of the Tribunal amounts to sitting over an administrative order of the President of the Tribunal and setting an administrative order at naught. Such order is in the teeth of the administrative powers of the President of the Tribunal. Once a matter stands transferred from one Bench to another for whatever reasons, except for the High Court or the court competent considering legality of said order, no statutory authority including the Tribunal can overturn such order of the President of the Tribunal. A Bench of the Tribunal of whatever strength can by no stretch of imagination do the same. Because an administrative order of the President cannot be undone by judicial order of the Bench of the Tribunal.

19. Reliance placed by the Delhi Bench of the Tribunal on the judgment rendered in the case of **M/s ABC Papers Ltd. (supra)** is also misplaced inasmuch as a look at the above referred judgment of Hon'ble the Supreme Court clearly shows that the issue before Hon'ble the Supreme Court was as to whether appellate jurisdiction under Section 260A shifts after a case is transferred under Section 127 of the Act of 1961, where following the transfer of the assessee's cases under Section 127 of the Act of 1961, both the Punjab & Haryana High Court and the Delhi High Court had declined jurisdiction over appeals filed under Section 260A against orders of the Tribunal. While dealing with such case, Hon'ble the Supreme Court held that the High Court which has supervisory jurisdiction over the Assessing Officer who had passed the order impugned has the jurisdiction to entertain the writ petition or appeal under Section 260A of the Act of 1961.

20. Needless to mention that in the case before the Apex Court, the question involved was where would an appeal under Section 260A lie (before Punjab & Haryana High Court or before the Delhi High Court) and it was not a case of transfer of appeal by virtue of administrative order at all. We are therefore, of the view that the Delhi Bench of the Tribunal has erred. 21. Going by the principle laid down in the above referred case, may be the

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appeal under 260A against the order on merit passed by the Tribunal may lie before the Allahabad High Court, but so far as the appeals before the Tribunal are concerned, they were to be heard by the Tribunal, Principal Bench Delhi. Because the said judgment of Hon'ble the Supreme Court does not apply to the extant facts where the administrative power of the President (if any) were in question.

22. We have asked a question to ourselves as well, in light of the said judgment of the Apex Court as to what would happen to the writ petition in hands. Having pondered over the issue we hold that since the question before us pertains to the legality or propriety of the Tribunal's order rejecting the appeals on the ground of lack of territorial jurisdiction and also because the issue does not directly emanate from any assessment order, the writ petitions are required to be heard by us and hence, the situs of AO will not be relevant and situs of the Tribunal (Delhi) is the determining factor.

23. Though, we are of the view that approach of the Tribunal, Delhi Bench in dismissing the appeals and directing the assessee and the department to file fresh appeals before Lucknow Bench of the Tribunal is erroneous but still we feel that even if the Delhi Bench was of the view that it lacked the territorial jurisdiction, it ought to have placed the matters before the President for passing appropriate orders for transferring these cases to Lucknow. This kind of practice showcases the Tribunal's overzealousness of disposing more cases.

24. We are informed that these (13 appeals) are not the only appeals, which Delhi Bench of the Tribunal has dismissed, there are many more. Ironically, by way of impugned order dated 20.11.2024, the Delhi Bench has been able to reduce its pendency by a number of cases but at the same time it has led to an automatic increase at Lucknow Bench and the Department & the assessee have been burdened with the onerous task of instituting fresh appeals before the Lucknow Bench, though otherwise not required.

25. We, therefore, set aside all the orders impugned in these petitions and restore the matters back to their original number to the dockets of the Delhi Bench of the Tribunal, to be decided on merits.

26. We are conscious of the fact that more than 200 appeals were transferred from the Lucknow Bench of the Tribunal to Delhi Bench of the Tribunal, by the order(s) of the President passed in 2006. Consequent to the order(s) of like nature passed by the Tribunal, the concerned parties might have filed appeals/cross-objections before the Lucknow Bench. If that be so, as a sequel to restoration of the appeals, hearing of such appeals, which have been filed at Lucknow Bench shall remain deferred. It is held that it is only the Delhi Bench of the Tribunal, which shall decide the appeals on merits. Once such

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appeals are finally decided by the Delhi Bench, upon production of a copy of order of disposal, the Lucknow Bench shall close those appeal(s) as having been decided by Delhi Bench of the Tribunal.”

9. Since more than 100 appeals of the assessee's group companies are being heard by the Tribunal at Delhi and also because both the assessees and the Revenue have jointly submitted that they would prefer that the appeals are heard by the Tribunal at Delhi, as a special case, we allow the present writ petitions and set aside the following orders of the Tribunal and restore the appeals to be decided by Delhi Bench of the Tribunal:-

Writ Petition No.	ITA No.	Name of Parties	Date of decision of the Tribunal
9868/2026	ITA NO. 3246/DEL/2008 & CO NO.249/DEL/2009	Deputy Commissioner of Income Tax, Central Circle-6, New Delhi v. Sahara India 1 & Sahara India 1 v. Deputy Commissioner of Income Tax, Central Circle-6	Dated 30.05.2025
10506/2026	ITA NO. 2502/DEL/2008 & CO NO.250/DEL/2009	Assistant Commissioner of Income Tax, Central Circle-6, New Delhi v. Sahara India (Firm) & Sahara India (Firm) v. Assistant Commissioner of Income Tax, Central Circle-6, New Delhi	Dated 30.05.2025
10556/2026	ITA NO.2152/DEL/2010 & CO NO.346/DEL/2010	Assistant Commissioner of Income Tax, Central Circle-6, New Delhi v. Sahara India (Firm) & Sahara India (Firm) v. Assistant Commissioner of Income Tax, Central Circle-6, New Delhi	Dated 30.05.2025
9869/2026	ITA NO.2017/DEL/2009 & CO NO.231/DEL/2009	Deputy Commissioner of Income Tax, Central Circle-6, New Delhi v. Sahara India (Firm) & Sahara India (Firm) v. Assistant Commissioner of Income Tax, Central Circle-6, New Delhi	Dated 30.05.2025

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9870/2026	ITA NO. 775/DEL/2009 & CO NO.102/DEL/2009	Assistant Commissioner of Income Tax, Central Circle-6, New Delhi v. Sahara India (Firm) & Sahara India (Firm) v. Assistant Commissioner of Income Tax, Central Circle-6, New Delhi	Dated 30.05.2025
9871/2026	ITA NO.2359/DEL/2009 & CO NO.190/DEL/2009	Assistant Commissioner of Income Tax, Central Circle-6, New Delhi v. Sahara India (Firm) & Sahara India (Firm) v. Assistant Commissioner of Income Tax, Central Circle-6, New Delhi	Dated 30.05.2025
9872/2026	ITA NO.3519/DEL/2008 & CO NO.237/DEL/2009	M/s. Sahara India Financial Corporation Ltd. v. DCIT, Central Circle-6, New Delhi & DCIT, Central Circle-6, New Delhi v. M/s. Sahara India Financial Corporation Ltd.	Dated 26.06.2025
9873/2026	ITA NO.1504/DEL/2008 & CO NO.69/DEL/2009	M/s. Sahara India Financial Corporation Ltd. v. DCIT, Central Circle-6, New Delhi & DCIT, Central Circle-6, New Delhi v. M/s. Sahara India Financial Corporation Ltd.	Dated 26.06.2025
9874/2026	ITA NO.3653/DEL/2008 & CO NO.238/DEL/2009 & ITA NO.3666/DEL/2008	M/s. Sahara India Financial Corporation Ltd. v. DCIT, Central Circle-6, New Delhi & DCIT, Central Circle-6, New Delhi v. M/s. Sahara India Financial Corporation Ltd. & M/s. Sahara India Financial Corporation Ltd. v. DCIT, Central Circle-6, New Delhi	Dated 26.06.2025

10. As a sequel to restoration of the appeals, hearing of appeals, if filed at Lucknow Bench shall remain deferred. It is held that the Delhi Bench of the Tribunal shall alone decide the appeals on merits. Once such appeals are finally decided by the Delhi Bench, upon production of a copy of order of disposal, the Lucknow Bench shall close those appeal(s) as having been

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decided by Delhi Bench of the Tribunal.

11. We make it clear that since the present order has been passed in the peculiar facts of the case, the same shall not be treated as a precedent.

12. The writ petitions are disposed of in the above terms. Pending applications also stand disposed of.

(DINESH MEHTA)
JUDGE

ADITI CHOUDHARY
(JUDGE)

September 30, 2026/bh

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