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

\+ ITA 384/2026

PRINCIPAL COMMISSIONER OF INCOME TAX DELHI-20
.....Appellant

Through: Mr. Abhishek Maratha, SSC with Mr. Apoorv Agarwal, Mr. Viplav Acharya, JSCs.

versus

SATISH KUMAR .....Respondent

Through: *Nemo.*

CORAM:
HON'BLE MR. JUSTICE DINESH MEHTA
HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

O R D E R

% 23.07.2026

CM APPL. 31456/2026 ***[Exemption]***

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

CM APPL. 31455/2026 ***[Delay in re-filing]***

3. Instant application has been filed under Section 5 of limitation Act read with Section 151 of the Code of Civil Procedure Act, 1908 read with Section 260(2A) of the Income Tax Act, 1961 seeking condonation of delay in re-filing the appeal.

4. For the reasons stated in the application, the delay of 77 days in re-filing the appeal is condoned.

5. Application stands disposed of.

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6. The following substantial questions of law arise out of the order dated

26.09.2025 passed by the Income Tax Appellate Tribunal, Delhi Bench "G" New Delhi (*hereinafter referred to as 'the Tribunal'*) for our consideration:

(i) *Whether the Tribunal was legally justified in rejecting the Revenue's multiple grounds in a single paragraph without giving any reasons or making discussion?*

(ii) *Whether on the facts and circumstances of the case and in law, the Tribunal was legally justified in deleting the addition made under Section 69A of the Income Tax Act, 1961 ["Act"] in respect of the demonetization period which is disproportionate in comparison to the cash sale made during the same period in the earlier years?*

(iii) *Whether the Income Tax Appellate Tribunal was legally correct and justified in holding that the increased rate of tax i.e. 60%, would be applicable from 01.04.2017?*

(iv) *Given that the Taxation Laws (Second Amendment) Act, 2016 was published in the Official Gazette on 15.12.2016; whether the amendment under Section 115BBE of the Act of 1961, providing enhanced rate of tax (60%) can be applied on the transactions taking place prior to 15.12.2016?*

7. Admit.

8. Issue notice through all permissible modes, returnable on 06.10.2026.

DINESH MEHTA, J.

RAJNEESH KUMAR GUPTA, J.

JULY 23, 2026/*sid*