

INCOME TAX : Where assessee-company failed to file Form 10-IC, which was a mandatory condition stipulated under section 115BAA which led to imposition of higher rate of tax, was to be directed to move an appropriate application before CBDT for granting leave to file Form 10-IC, pursuant to powers conferred on it by section 119(2)(b)

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[2023] 155 taxmann.com 333 (Delhi)

HIGH COURT OF DELHI

Jasper Associates (P.) Ltd.

v.

Centralized Processing Centre, Income-tax Department

RAJIV SHAKDHER AND GIRISH KATHPALIA, JJ.

W.P.(C) NO. 12579 OF 2023

SEPTEMBER 22, 2023

Section 115BAA, read with section 119, of the Income-tax Act, 1961 and section 3(1) of Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 - Certain domestic companies, tax on (Filing of FORM 10-IC) - Assessment year 2021-2022 - Whether where assessee failed to file Form 10-IC electronically, a mandatory condition stipulated under section 115BAA which led to imposition of higher rate of tax, was to be directed to move an appropriate application before Central Board of Direct Taxes (CBDT) for granting leave to file Form 10-IC, pursuant to powers conferred on it by section 119(2)(b) – Held, yes [Paras 9 and 10] [In favour of assessee]

CASE REVIEW

Rajkamal Healds and Reeds Pvt. Ltd. v. Assistant Director of Income Tax (2022) 325 CTR (Guj) 476 (para 7) - followed.

Sumit Kumar Batra and Mayank, Advs. for the Petitioner. Abhishek Maratha, Sr. Standing Counsel and Parth Semwal, Adv. for the Respondent.

[ORDER](#)