

HC: THERE IS NO STRONG LEGAL ARGUMENT FOR UPHOLDING THE REVISIONARY ORDER WITHOUT A DIN

Sep 27, 2023

Tata Medical Centre Trust [TS-561-HC-2023(CAL)]

Facts of the case

The case pertains to an appeal by the Revenue against a decision of the Income Tax Appellate Tribunal for the assessment year 2016-17. The central issue is whether the order passed under Section 263 of the Income Tax Act had the Document Identification Number (DIN) as prescribed by a circular.

Assessee's contention

The Tribunal observed that the order did not contain the required DIN, violating the circular. The assessee contended that this non-compliance with the circular was a valid concern and required rectification.

Revenue's contention

The Revenue argued that the intimation letter should be regarded as an integral part of the substantive order. However, they failed to justify the absence of DIN in both the substantive order and the intimation letter.

Held:

The Tribunal, upon examining the facts and considering the circular's requirements, held that the order under Section 263 did not satisfy the prescribed DIN requirement. As a result, no substantial legal questions arose from the appeal.

AMRG Take

This case emphasizes the importance of adhering to procedural requirements, such as the inclusion of the Document Identification Number (DIN) as mandated by circulars. Failure to comply with such administrative requisites can have implications on the validity and legal standing of orders, underlining the need for strict adherence to prescribed guidelines.