

Merely on receipt of Valuation report from DVO u/s 142A (*which itself is invalid being reference made when no assessment proceeding pending*) disclosing estimated higher cost of construction as compared to value disclosed in assessee's books/return of income, even after mere 143(1) (no regular assessment), same cannot be a "cause / justification" for reopening the case u/s 148.

**While holding so, Guj HC has deliberated at length SC ruling in Rajesh Jhaveri 291 ITR 500 and arrived at a conclusion that:**

*"Thus, for all the three years in question the reasons recorded do not indicate that the respondent authority was in possession of any material which would permit the respondent to hold a belief so as to form an opinion, or have reason to believe that any income has escaped assessment. The relevant tests for this examination in the words of Supreme Court as stated in the case of Assistant Commissioner of Income-tax v. Rajesh Jhaveri Stock Brokers P. Ltd. (Supra) are..."*

Further reference in aforesaid connection may be made to

1. Delhi ITAT ruling in Tej Pratap Singh 22 SOT 156 laying down similar proposition
2. Pune ITAT in Balasaheb 107 TTJ 779
3. Luck ITAT in Dinesh Dua 120 TTJ 545 laying down contrary proposition.