





Revision Shortest Notes

Section	Particulars	Provision
263	Revision by CIT 	PC/CIT consider that any order passed by AO is erroneous and prejudicial to the Interest to the Revenue he may after giving OOBH and after making enquiry pass an order enhancing or modifying the assessment or cancel the assessment and direct fresh assessment Condition: Revision can be of any matter which has been not decided by Appeal.(Subject to Partial Merger/Total Merger) Time Limit: 2 years from the end of FY in which order sought to be revised was passed. The Time Limit does not apply where revision is due to order of court or Tribunal
263	Additional Points 	Deemed Erroneous: <ul style="list-style-type: none"> the order is passed without making inquiries or verification the order is passed allowing any relief without inquiring into the claim the order has not been made in accordance with any order, direction or instruction issued by the CBDT under section 119; the order has not been passed in accordance with any decision of HC/SC.
264	Other Revision 	Any order passed by any subordinate authority including DC , The PC/CIT may either on his own motion or on receipt of an application from the assessee, call for the record of any proceedings under the Act in the course of which the order was passed. After making such enquiries as may be necessary the PC/CIT may pass such order as he thinks fit. Time Limit: 1 year from the date of order sought to be revised. However he may if satisfied that assessee was prevented by sufficient cause. Fees: RS,500
-	Doctrine Of Merger[Total or Partial] 	Partial Merger: It shall apply to reopening in a case where an assessee has filed an appeal etc. for an AY. It has been provided that the AO may assess or reassess such income, other than income which has been the subject matter of any appeal or reference or revision, which is chargeable to tax and has escaped assessment. The doctrine of partial merger also holds good for section 154 and section 263. The concept of total merger would apply in the case of section 264. The PC/CIT has no power to revise any order under section 264, if the order has been made subject to an appeal to the ITAT, even if the relief claimed in the revision is different from the relief claimed in the appeal

Relevant Case Law

Krishna Capbox	Case: AO raised certain queries which was answered by Assessee. AO after being satisfied with the reply completed the Assessment, CIT later Invoked 263, can mere non mention or non discussion of enquiry by AO in the assessment order justify invoking 263?	Held: No, Mere non Mention does not make a assumption that Ao didn't apply his mind or he has not made any Enquiry.
Fortaleza	Case: Can CIT invoke 263 when subject matter of Revision	Held: No, Doctrin of Partial Merger.

Developer	has been decided by CIR[A]	
ICICI Bank Limited	Case: Should the time limit under 263 to be reckoned from the date from the assessment order or reassessment order?	Held: From the Date of First Assessment order and not reassessment order.
Amitabh Bacchan	Case: can revision u/s 263 be made on the grounds that order is passed without making enquiries or verification which should have been made.	Held: No