IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA-601-2010

Decided on : 02.02.2015

Commissioner of Income Tax-I, Ludhiana ..... Appellant

VERSUS

Sh. Amrik Singh ..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE B. S. WALIA

Present: Mr.Rajesh Katoch, Advocate, for the appellant.

Mr.S.K.Mukhi, Advocate, for the respondent.

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RAJIVE BHALLA, J.

The revenue is before us challenging order dated 29.01.2010, passed by the Income Tax Appellate Tribunal, Chandigarh Bench 'A', Chandigarh, raising the following substantial questions of law: -

> **"(i) Whether on the facts and circumstances of the case, the Hon'ble Income Tax Appellate Tribunal is justified in law in holding that the CIT has erred in invoking the provisions of Section 263 of the I.T.Act, 1961, ignoring the fact that the order of the Assessing Officer passed u/s 143(3) on 23.10.2006 was erroneous in so far as it was prejudicial to the interest of the revenue?**
>
> **(ii) Whether on the facts and circumstances of the case, the Hon'ble Income Tax Appellate Tribunal is justified in law in not appreciating the fact that a firm decision and reasoning on this issue was given in the order passed u/s 263 of the I.T.Act, 1961?**
>
> **(iii) Whether on the fact and circumstances of the case, the Hon'ble Income Tax Appellate Tribunal is**

justified in law in not appreciating the fact that the provisions of Section 2(22)(e) of the Income Tax Act, 1961 were rightly applicable in the assessee's case?

(iv) Whether on the facts and circumstances of the case, the Hon'ble Income Tax Appellate Tribunal is justified in law in not appreciating the fact that the Assessing Officer has nowhere discussed the issue regarding applicability of Section 2(22)(e) during the course of assessment proceedings or in the assessment order?"

Counsel for the parties agree that as questions of law framed in ITA Nos.92, 323 of 2013, 5, 62 and 64 of 2014 have been answered against the revenue, the present appeal has been rendered infructuous and may be disposed of accordingly.

In view of consensus between counsel for the parties, the present appeal has been rendered infructuous and is disposed of accordingly.

[RAJIVE BHALLA]
JUDGE

02.02.2015
monica/Shamsher S.Sabharwal

[B. S. WALIA]
JUDGE