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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **ITA 807/2014**

\+ **ITA 808/2014**

\+ **ITA 809/2014**

\+ **ITA 810/2014**

\+ **ITA 811/2014**

COMMISSIONER OF INCOME TAX ..... Appellant

Through Mr. Rohit Madan and Mr. Ruchir Bhatia, Advs.

versus

HOME DEVELOPERS PVT. LTD. ..... Respondent

Through

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **08.01.2015**

1. These appeals impugn the common judgment and order dated 21.9.2012 of the Income Tax Appellate Tribunal in several appeals preferred by both the assessee and revenue. The main appeal ITA No.808/2014 concerns assessment year 2005-06 and the other appeals ITA Nos.807/2014, 809/2014, 810/2014 and 811/2014 are concerned with penalties imposed by the assessing officer, ultimately interfered with by the ITAT.

2. The proceedings in this case arose on account of search conducted in the premises of one Yogesh Gupta, a director of the assessee-company on 28.3.2006. Thereafter, notice under section 153A was issued and a return was filed by the assessee. During the course of proceedings the assessee had

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surrendered undisclosed income of ₹2 crores for the block period. In the course of the search, in addition to this disclosure in the name of Yogesh Gupta further disclosure of ₹2 crores in the name of Rajiv Bahal and his family members and ₹9 crores in the name of Realtech Project Pvt. Ltd. and Realtech Construction Pvt. Ltd. was also made. This culminated in the common order of the ITAT.

3. At the outset we notice that said common order was carried in appeal for assessment year 2004-05 in ITA 803/2014. The Court on that occasion repelled the contention of the revenue that the loan were taken and interest payments have been made which had been overlooked by the ITAT. This Court was of the opinion that there was no material in support of such contention. In the present appeal too identical submissions have been made and the questions of law urged are of the same kind as was urged in ITA 803/2014. Following the reasoning in ITA No.803/2014 the present appeals have to also be rejected. ITA Nos. 807/2014, 808/2014, 809/2014, 810/2014 and 811/2014 are accordingly disposed of.

S. RAVINDRA BHAT, J

R.K.GAUBA, J

JANUARY 08, 2015
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