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

3.
\+ **ITA 569/2015**

PR. COMMISSIONER OFINCOME TAX - 2. ..... Appellant
Through: Mr Kamal Sawhney, Senior Standing Counsel with Mr Raghvendra Singh, Junior Standing Counsel and Ms Shikha Garg, Advocates

versus

NATURAL PRODUCTS BIO TECH LTD. ..... Respondent

Through: Mr Sudesh Garg, Advocate

WITH

4.
\+ **ITA 570/2015**

PR. COMMISSIONER OFINCOME TAX - 2. ..... Appellant
Through: Mr Kamal Sawhney, Senior Standing Counsel with Mr Raghvendra Singh, Junior Standing Counsel and Ms Shikha Garg, Advocates

versus

NATURAL PRODUCTS BIO TECH LTD. ..... Respondent
Through: Mr Sudesh Garg, Advocate

AND

5.
\+ **ITA 571/2015**

PR. COMMISSIONER OFINCOME TAX - 2. ..... Appellant
Through: Mr Kamal Sawhney, Senior Standing Counsel with Mr Raghvendra Singh, Junior Standing Counsel and Ms Shikha Garg, Advocates

versus

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NATURAL PRODUCTS BIO TECH LTD. ..... Respondent
Through: Mr Sudesh Garg, Advocate

CORAM:
HON'BLE DR. JUSTICE S. MURALIDHAR
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.08.2015**

CM 14704/2015 in ITA 569/2015
CM 14705/2015 in ITA 571/2015

1. Allowed, subject to all just exceptions.

2. The applications stand disposed of.

ITA 569/2015
ITA 570/2015
ITA 571/2015

3. These three appeals under Section 260-A of the Income Tax Act1961 ('Act') are directed against the common order dated 28th November 2014 passed by the Income Tax Appellate Tribunal (ITAT) in ITA Nos. 3089, 3088 and 3087/Del/2013 for Assessment Years (AYs) 2006-07, 2007-08 and 2008-09 respectively.

4. The question that arises in these appeals is whether the hard disc found in the premises of the searched entity i.e. GLOBAL HERITAGE VENTURE

PVT. LTD belonged to the Assessee for the purposes of Section 153 C of the Act as it stood prior to its amendment with effect from 1st June 2015?

5. The ITAT has found, and in the view of the this Court correctly, that that the Assessing Officer failed to record his satisfaction in that regard in terms of the law as explained by the Court in ***Pepsico India Holdings (P) Ltd. v. ACIT [2015] 370 ITR 295 (Del)***.

6. This Court has by order dated 8th July, 2015 dismissed the Revenue's Appeal ITA No. 373/2015 ***(PR. COMMISSIONER OF INCOME TAX (CENTRAL)-I v. GLOBAL HERITAGE VENTURE LTD.)*** and by the order dated 20th July, 2015 dismissed the Revenue's appeals ITA 406-409/2015 (***PR. COMMISSIONER OF INCOME TAX (CENTRAL)-I v. NAGESHWAR INVESTMENT LTD.***) all of which involve a similar question.

7. Accordingly these appeals are dismissed.

S. MURALIDHAR, J

VIBHU BAKHRU, J

AUGUST 14, 2015
pkv