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

\+ W.P. (C) 1985/2014

VEOLIA EAU COMPAGNIE GENERALE DES FAUXE.. Petitioner
Through: Mr. Y.K. Kapur, Advocate.

versus

THE DEPUTY DIRECTOR OF INCOME TAX CIRCLE 2(2)
INTER NATIONAL TAXATION NEW DELHI ..... Respondent
Through: Mr. Rahul Chaudhary, Sr. Standing Counsel.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

O R D E R

% **28.09.2016**

The challenge in this writ petition is to the notice issued by the respondent Income Tax Department on 28.03.2013 under Section 147/148 proposing reopening of completed assessment for the assessment year 2006-07.

The assessee is a consultancy concern and had advised local authorities in Chennai and Karnataka on the formulation and implementation of sewage disposal projects, in the field of water supply distribution and water management.

Notice for re-assessment is based upon the opinion of the Assessing Officer.

The records revealed that a completed assessment was after scrutiny of the materials on record under Section 143 (3). The opinion based upon which notice has been issued *ex facie* reveals that there was no fresh material to propose it or leading the Assessing Officer to conclude that on account of suppression of material facts Income Tax Department has escaped assessment for the relevant assessment years. The law declared by the Supreme Court in *CIT v. Kelvinator of India Ltd., (2010) 320 ITR 561 (SC)* is clear that in the absence of tangible material on which the Assessing Officer proposes to take a fresh look under Section 147/148, reassessment is impermissible. In this case, the Revenue had specifically queried the assessee with respect to its two projects and the income derived therefrom. Consequently, the reopening of the assessment is without authority of law and beyond the ambit of Section 147/148.

The impugned notice and proceedings are resultantly quashed.

The writ petition is allowed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 28, 2016
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