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

\+ W.P.(C) 8940/2015

LANDMARK PROPERTY DEVELOPMENT CO. LTD. & ANR.

..... Petitioner

Through Mr. Simran Mehta and Ms. Swati R.K.,Advs.

versus

COMMISSIONER OF INCOME TAX-V & ANR...... Respondent

Through Mr. Ashok K Manchanda, sr. standing counsel

\+ W.P.(C) 9784/2015

LANDMARK PROPERTY DEVELOPMENT CO. LTD. & ANR.

..... Petitioner

Through Mr. Simran Mehta and Ms. Swati R.K.,Advs.

versus

COMMISSIONER OF INCOME TAX-V & ANR. ..... Respondent

Through Mr. Ashok K Manchanda, sr. standing counsel

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

O R D E R

% **29.08.2016**

1. The petitioners' grievance in these two proceedings stems from the fact that, an undertaking of OCL Ltd. came to be vested in the

petitioner/assessee Landmark Property Development Co. India Ltd., after the passing of the scheme of amalgamation, sanctioned by the High Court of Orissa on 27.11.2007 (with effective date of 01.01.2007). It contends that the revenue has unreasonably refused to give credit for the advance tax paid by the said undertaking for the period it was under the management of OCL India Ltd. during the concerned assessment years 2007-08 and 2008-09.

2. In the reply filed in WP(C) No.8940/2015, the revenue has admitted that credit for the tax amount deposited on behalf of the first petitioner for assessment year 2007-08 to the tune of Rs.54,02,000/- has been given based upon an order on 19.04.2016. It is submitted that the amounts are advance deposited by the previous undertaking/company of OCL India Ltd. In these circumstances, we are of the opinion that for both assessment years i.e. 2007-08 and 2008-09, the petitioner should be given the benefit of advance tax paid by the said undertaking of OCL India Ltd; in accordance with the scheme of amalgamation sanctioned by the Court.
3. The writ petitions are accordingly allowed.
4. The direction is issued to the respondents to give due credit to all the advance tax amount deposited by M/s OCL India Ltd. in respect of the two assessment years concerned.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

AUGUST 29, 2016/VLD