

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
&
HON'BLE SRI JUSTICE CHALLA KODANDA RAM

I.T.T.A.No.439 of 2014

Date : 08-11-2017

Between :

The Commissioner of Income Tax-I,
Hyderabad

.. Appellant

And

M/s. Andhra Bank,
Head Office Dr. Pattabhi Bhavan,
Saifabad, Hyderabad

.. Respondent

Counsel for appellant : Sri K. Raji Reddy, Senior Standing

Counsel for Income Tax Department

Counsel for respondent : Dr. C.P. Ramaswami, Standing Counsel

For Andhra Bank

The Court made the following :

ORDER: (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

Common order dated 04-10-2013 to the extent it pertains to I.T.A.No.1943/Hyd/2011 on the file of the Income Tax Appellate Tribunal, Hyderabad Bench "A", Hyderabad, is the subject matter of this Appeal.

Mr. K. Raji Reddy, learned Senior Standing Counsel for Income Tax Department, fairly placed before us a copy of the order dated 08-08-2014 in I.T.T.A.No.555 of 2014 arising out of the order dated 04-04-2013 in I.T.A.No.95/Hyd/2010 pertaining to the respondent-assessee itself. By the said order, a Division Bench of this Court has dismissed the said I.T.T.A. confirming the order of the Tribunal, the operation portion of which reads as under :

"It appears that the learned Tribunal found that the Assessing Officer wanted to reopen the assessment on the basis of mere change of opinion. It is legally well settled that mere change in the opinion does not enable the Assessing Officer to reopen any assessment beyond four years. For that matter, the CBDT circular cannot take place of the law."

We therefore, do not find any relevance of the CBDT circular, as quoted in the suggested question of law, to the present case."

A perusal of the order under Appeal shows that the Tribunal has referred to and relied upon the order dated 04-04-2013 in I.T.A.No.95/Hyd/2010. As this Court has already

dismissed I.T.T.A.No.555 of 2014, confirming the order in I.T.A.No.95/Hyd/2010, this Appeal is also dismissed. No costs.

Justice C.V. Nagarjuna Reddy

Justice Challa Kodanda Ram

Date : 08-11-2017

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