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

\+ **ITA 121/2009**

COMMISSIONER OF INCOME TAX DELHI IV ..... Appellant

versus

DLF UNIVERSAL LTD. ..... Respondent

ITA 453/2009

COMMISSIONER OF INCOME TAX ..... Appellant

versus

DLF UNIVERSAL LTD. ..... Respondent

ITA 1330/2009

COMMISSIONER OF INCOME TAX DELHI IV ..... Appellant

versus

DLF LTD. EARLIER DLF UNIVERSAL LTD. ..... Respondent

Appearance: Mr. Dileep Shivpuri, Sr. Standing Counsel for Revenue, in all matters.

Mr. Ajay Vohra, Sr. Advocate with Ms. Kavita Jha and Mr. Vaibhav Kulkarni, Advocates, for assessee, in all matters.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% **16.02.2017**

ITA Nos.1330/2009 & 453/2009

The common questions of law in these appeals are as follows: -

1. Whether the Income Tax Appellate Tribunal was correct in law in setting aside the Commissioner of

Income Tax (Appeals) order wherein it was held that the method of accounting followed by the assessee in the past and accepted in earlier assessment years is such that correct income cannot be properly detected from the accounts and the Assessing Officer was justified in invoking the provisions of First Proviso to Section 145(1) of the Income Tax Act, 1961?

2. Whether the Income Tax Appellate Tribunal was correct in law in holding that sale price in respect of constructed/built up properties should not be accounted for at the time of handing over the possession or conveyancing whichever is earlier?

3. Whether the Assessing Officer and the Commissioner of Income Tax (Appeals) were correct in law in re-working the cost of land at the average purchase price of land in Qutub Enclave Complex now known as DLF city by dividing the cost of the acquired till the end of the year by saleable area including lands earmarked for schools, hospitals, clubs and other community building, in each phase?

ITA No.121/2009

The question of law framed is common to the question framed and answered in ITA 159 & 326/2010 by judgement delivered on 21.12.2016. The Court had in the said common judgment answered the question in favour of the assessee and against the Revenue.

Accordingly, following the reasoning in that judgment, all the appeals have to be and are, therefore, dismissed.

S. RAVINDRA BHAT, J

FEBRUARY 16, 2017*/vikas/*

NAJMI WAZIRI, J