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

\+ **ITA 770/2016 & CM Nos. 41146-47/2016**

AKG POLYMERS INDIA LTD ..... Appellant

Through: Mr. R.P.Garg, Advocate.

Versus

PR. COMMISSIONER OF INCOME TAX DELHI- I ..... Respondent

Through: Mr.P. Roychaudhuri, Advocate.

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

O R D E R

% 13.01.2017

CM Nos. 41147 & 41146 of 2016

These applications seek condonation of delay, which is stated to be of 14 days in re-filing and 149 days, in filing the appeal. For the reasons stated in these applications, the delay is condoned and the appeal is taken on record.

Both these application stand disposed off.

ITA 770/2016

Issue notice. Mr. P. Roychaudhuri, Advocate accepts notice on behalf of the Revenue.

In this appeal under Section 260A of the Income Tax Act, 1961, (hereinafter to be referred as ‘the Act’) the grievance urged is that the Income Tax Appellate Tribunal (ITAT) did not adjudicate upon the justification for reopening a completed assessment for Assessment Year 2005-06. The reassessment resulted in addition to that order to the tune of ₹5,00,000/-.

Before the Commissioner of Income Tax (Appeals), woes regarding validity of the reopening of assessment under Sections 147/148 of the Act as well as the factual issue whether reasons for reopening were put in issue. Although the ITAT appears to have recorded its findings on the second issue, it has not discussed or dealt with the first issue i.e. validity of the reassessment.

In these circumstances, the matter is remitted to the ITAT for proper decision on the said issue. In view of the above, the appeal is allowed partly.

S. RAVINDRA BHAT, J.

NAJMI WAZIRI, J.

JANUARY 13, 2017
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