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

+ ITA 1134/2017, CM APPL.44866/2017
ITA 1136/2017, CM APPL.44870/2017

PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL) - 2
..... Appellant

Through: Mr. Zoheb Hossain, Sr. Standing
Counsel.

versus

M/S UNIVERSAL ADVERTISING PVT. LTD. Respondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
11.12.2017

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The Revenue urges that the ITAT fell into error in holding that the assessment made was invalid on account of the merger/amalgamation of the original assessee company. The assessee's name was changed to M/s Universal Advertising Pvt. Ltd. and subsequently and consequent upon the scheme of amalgamation, it became a transferee and was merged with Mahagun India Pvt. Ltd. The date when the scheme came into effect was 01.04.2006. The assessments were, however, completed in the name of the transferor company, i.e., M/s Universal Advertising Pvt. Ltd. for AY 2007-08 onwards. The present case concerns previous years where

proceedings were not completed. The appellate authorities, i.e., CIT (A) and the ITAT have concurrently held that the assessments were invalid and untenable. / Concurrently the Revenue has lost on the merits. This conclusion was arrived at by applying the ratio of the decision of this Court in *Spice Infotainment Ltd. v. CIT* (2011) 247 CTR (Del) 500, the Court considered the effect of amalgamation of companies and the emergence of new entity; it also rejected the applicability of Section 292B of the Income Tax Act. This issue was considered reasonably in *Principal Commissioner of Income Tax-6, New Delhi v. Maruti Suzuki India Ltd.*, 2017 SCC OnLine Del 10257 where after reviewing all the previous decisions it was held that when assessments are completed for previous years before the amalgamation/merger but are concluded in the name of the transferor company which is no longer in existence then too, the assessments are invalid.

Following the said decision, we are of the opinion that no substantial question of law arises. The appeal is, therefore, dismissed.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

DECEMBER 11, 2017

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