208-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA-758-2008 (O&M)
DECIDED ON: 06.08.2024

CIT-II, CHANDIGARH .....APPELLANT

VERSUS

M/S V.K. SOOD ENGINNERS & CONTRACTORS, CHD. .....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Yogesh Putney, Senior Standing Counsel, and
Mr. Vaibhav Gupta, Standing Counsel,
for the appellant.

Mr. Shantanu Bansal, Advocate,
Mr. Sunil Kumar Mukhi, Advocate, and
Mr. Yugank Goyal, Advocate,
for the respondent – assessee.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. Present appeal has arisen out of the order passed by the Assessing Officer (AO), whereby it has revised its earlier assessment order for the year 1993-94, in compliance of the order passed by the CIT under Section 263 of the Income Tax Act, 1961, (for short, 'the Act'). The order passed by the Assessing Officer (AO) was solely based on the directions issued by the CIT, under Section 263 of the Act dated 02.07.1996, and the said order passed by CIT has been set aside by the ITAT, vide its order dated 04.09.2003 which was impugned by the Revenue, and the appeal preferred by the Revenue has been dismissed, and order dated 04.09.2003 passed by the ITAT has been upheld by this Court.

2. Keeping in view the same, the consequential order passed by the Assessing Officer (AO) dated 30.03.1999 in compliance of the order passed by the CIT dated 02.07.1996 (which has been set aside by the ITAT), would not sustain, and accordingly, we hold that the ITAT has rightly set aside the said order dated 19.12.2006 (Annexure A-5), which has been impugned by the Revenue in the present appeal.

3. Accordingly, present appeal filed by the appellant/Revenue stands dismissed.

4. Pending miscellaneous application(s), if any, shall also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

06.08.2024
Lavisha

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*