

IN THE HIGH COURT OF DELHI AT NEW DELHI

ITA 314/2008

**COMMISSIONER OF INCOME TAX DELHI VI Appellant
Through Mr. R.D. Jolly, Adv.**

versus

**TOURISM FINANCE CORPORATION OF INDIA LTD. Respondent
Through None**

CORAM:

**HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE MANMOHAN SINGH**

**O R D E R
22.04.2008**

The Revenue is aggrieved by an order dated 3rd August, 2007 passed by the

Income Tax Appellate Tribunal (the Tribunal), Delhi Bench 'G' in ITA Nos. 1141

and 1144/Del/2006 relevant for the Assessment Years 1998-99 and 2001-2002.

A notice was issued to the Assessee under Section 147/148 of the Income Tax Act, 1961 (the Act) for reopening the assessment.

The Commissioner of Income Tax (Appeals) [CIT(A)] as well as the Tribunal

considered the reasons for reopening the assessment and concluded that it was

nothing more than a change of opinion.

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It appears that the Assessing Officer had placed reliance upon Section 41(4A) of the Act but it was noted that that provision had come into effect from

1st April, 1998 and this was mentioned by the Assessee in a footnote in its computation of income.

On these facts, both the CIT (A) as well as the Tribunal came to the conclusion that there was a full and complete disclosure of facts by the Assessee and there was no reason to issue a notice to the Assessee to reopen its assessment.

The Tribunal has also relied upon a decision of a Full Bench of this Court in Commissioner of Income Tax v. Kelvinator of India Ltd., [2002] 256 ITR

1.

In view of the above, we find that no substantial question of law arises in this appeal. Accordingly, the appeal is dismissed.

MADAN B. LOKUR, J

**APRIL 22, 2008 MANMOHAN SINGH, J
kapil**

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