

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

I.T.A. No.317 of 2010 (O&M) & another connected case being
ITA No.318 of 2010 (O&M)
Date of decision: 4.8.2010

Commissioner of Income Tax-I

-----Appellant.

Vs.

M/s Rajan Knit Fab (P) Ltd.

-----Respondent

**CORAM:- HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAY KUMAR MITTAL**

Present:- Mr. Vivek Sethi, Standing counsel
for the Revenue.

ADARSH KUMAR GOEL, J.

1. This order will dispose of I.T.A. Nos.317 and 318 of 2010, as it is stated that identical questions are involved in both the appeals.

2. I.T.A. No.317 of 2010 has been preferred by the revenue under Section 260-A of the Income Tax Act, 1961 against the order dated 21.10.2009 of the Income Tax Appellate Tribunal, Chandigarh in I.T.S.S./12/CHD/2009 for the block period from 1.4.1998 to 5.2.2003, proposing to raise following substantial question of law:-

“Whether on the facts and in law, the Hon’ble Income Tax Appellate Tribunal was justified in holding that the recording of satisfaction u/s 158BD by the Assessing Officer of the person searched and consequent issue

and service of notice u/s 158BD on 07.01.2006 was belated and beyond the period prescribed by law whereas actually section 158BD read with section 158 BE does not specify that satisfaction has to be recorded by the Assessing Officer before completion of assessment u/s 158BC of the Income Tax Act, 1961.”

3. Learned counsel for the revenue does not dispute that identical question has been gone into by this Court on 20.7.2010 in I.T.A. No.590 of 2010 **CIT v. Miridula Prop.** and the matter has been decided against the revenue.

4. Accordingly, these appeals are dismissed.

5. A photocopy of this order be placed on the file of another connected case.

(ADARSH KUMAR GOEL)
JUDGE

August 04, 2010
MITTAL)
ashwani

(AJAY KUMAR
JUDGE