

ANANT RAJ INDUSTRIES LTD. (Delhi HC)

IN THE HIGH COURT OF DELHI AT NEW DELHI

WP(C) No. 8427/2009 and CM Nos. 5314-15/2009

26.05.2009

Present:

**Ms Prem Lata Bansal, Mr Mohan Prasad Gupta and Ms Anshul Sharma,
Advocates for the Appellant.**

Mr Prakash Kumar, Advocate for the Respondent.

ITA No.342/2009

Argument advanced before us is that the Assessing Officer had not duly considered the Lease Deed since it had been filed on 30th March, 1998 and the Assessment Order had to be passed on the following day. In Commissioner of Income Tax vs. Kelvinator of India Ltd., [2002] 256 ITR 1 (Delhi) the Full Bench has held that it is not essential or mandatory that each and every point must be reflected in the Assessment Order. A presumption must be drawn that issues which were alive and relevant before the Assessing Officer were in fact duly considered. It does not make much difference, even if in the subsequent assessment years different orders have been passed, as it would not prevail upon us to depart from the settled principle. No substantial question of law arises for our consideration.

Dismissed

VIKRAMAJIT SEN, J.

RAJIV SHAKDHER, J.

MAY 26 2009