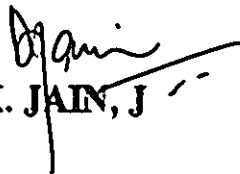





Sr. No.	Date	Orders
		<p data-bbox="464 297 1570 338">* IN THE HIGH COURT OF DELHI AT NEW DELHI</p> <p data-bbox="464 387 1027 423">+ <u>CW 4487/2003</u></p> <p data-bbox="632 468 1560 633"> SITA WORLD TRAVELS INDIA LTD. Petitioner Through Mr. M.S. Syali, Sr.Adv with Mr.Satyen Sethi & Mr. Manu K.Giri, Advs. </p> <p data-bbox="967 685 1062 719">versus</p> <p data-bbox="632 804 1513 884"> DY.COMMISSIONER OF INCOME TAX Respondent Through Mr.Sanjiv Khanna, Adv. </p> <p data-bbox="632 931 1394 1057"> CORAM: HON'BLE MR. JUSTICE D.K. JAIN HON'BLE MR. JUSTICE MADAN B. LOKUR </p> <p data-bbox="469 1106 1139 1187"> % <u>ORDER</u> 18.07.2003 </p> <p data-bbox="464 1232 1584 2107"> Mr.Sanjiv Khanna, learned senior standing counsel for the revenue, who has put in appearance on advance notice, submits that the petitioner has rushed to this Court without waiting for the decision of the assessing officer on the preliminary issue raised by them with regard to his jurisdiction to take recourse to re-assessment proceeding under Section 147/148 of the Income-tax Act, 1961. Learned counsel submits that in view of the decision of the Apex Court in <u>GKN Driveshafts (India) Ltd. Vs. Income-tax Officer & Ors. (2003) 259 ITR 19</u>, the assessing officer shall dispose of the objections, filed by the petitioner with regard to his jurisdiction to reopen the assessments under Section 147/148 of the Act, by a speaking order, before proceeding with the re-assessment </p>



Sr. No.	Date	Orders
		<p>proceedings in respect of assessment years 1996-97 and 1997-98.</p> <p>In view of the aforementioned stand of learned counsel for the respondents, Mr.Syali, learned senior counsel for the petitioner seeks leave to withdraw the writ petition with liberty to take recourse to appropriate proceedings, as may be available to the petitioner, in case the above-mentioned objections do not find favour with the assessing officer.</p> <p>The writ petition is accordingly dismissed as withdrawn with liberty, as prayed.</p> <p>Copies of the order be issued dasti to counsel for the parties.</p> <p style="text-align: right;"> D.K. JAIN, J</p> <p style="text-align: right;"> MADAN B. LOKUR, J</p> <p>JULY 18, 2003 SS</p>