



Sr. No.	Date	Orders
		<p>% 16.04.2004</p> <p>Present: Mr Ajay Vohra with Mr Vinay Vaish and Ms Kavita Jha for the Petitioner. Mr Sanjeev Khanna and Mr Sanjeev Sabharwal with Mr Ajay Jha for the Respondent.</p> <p>+ <u>ITA.No.121/2004 and ITA.No.122/2004</u> *</p> <p>These appeals have been filed by the assessee. Against the very order impugned in these appeals, the Revenue had earlier filed an appeal and had, inter alia contended that a substantial question of law arose in the matter. However, after hearing the matter at length, the appeal filed by the Revenue was dismissed. Today, we are hearing the appeals filed by the Assessee, inter alia, contending that a substantial question of law arises inasmuch as the Commissioner had no power to exercise the jurisdiction under Section 263 of the Income-tax Act, 1961. The parameters of exercise of powers under section 263 are clearly laid down by the Supreme Court in the case of <b>Malabar Industrial Co Ltd v Commissioner of Income-tax: 243 ITR 83</b>. Perusing the judgment rendered by the Tribunal we find that noticing these parameters, the Tribunal, on facts, came to the conclusion that the jurisdiction was rightly invoked.</p>



## H.C.D.-1 (a) Continuation Sheet

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	April 16, 2004 m	<p>Therefore, we find no substantial question of law in these appeals and the same are dismissed.</p> <p><i>BD Ahmed</i> CHIEF JUSTICE</p> <p><i>Badar Durrez Ahmed</i> BADAR DURREZ AHMED, J</p>