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% 21.07.2008

Present: Ms.Rashmi Chopra for the appellant.

+CM No. 9309/2008

Allowed, subject to just exceptions.

CM stands disposed of.

ITA Nos.778/2008, 779/2008, 780/2008, 814/2008 & 816/2008

* These appeals pertaining to assessment years 1999-2000 to 2004-05 have been preferred by the revenue against the common order of the Income Tax Appellate Tribunal dated 27.7.2007.

The issue before the Tribunal was whether the assessee could be termed as an assessee in default within the parameters of Section 201(1)/201(1A) of the Income Tax Act, 1961. The Tribunal has inter alia come to the conclusion that in any event it was quite reasonable for the assessee to form a bonafide belief that the tips which were collected by it on behalf of the employees and subsequently distributed to its employees did not form part of the salary paid by them and, therefore, no deduction on account of tax at source was required to be made by the assessee. The Tribunal came to the conclusive finding that the assessee had such a bonafide belief and it



is on account of this that the tax was not deducted at source.
Consequently, we find that no substantial question of law arises for
our consideration. The appeals are dismissed.

Badar Durrez Ahmed
BADAR DURREZ AHMED, J

Rajiv Shakdher
RAJIV SHAKDHER, J

July 21, 2008
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