



***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ ITA 509/2008

COMMISSIONER OF INCOME TAX Appellant
Through Ms P.L.Bansal, Sr.Standing
Counsel with Mr M.P.Gupta, Mr Sanjeev
Rajpal and Ms Anshul Sharma, Advocates

versus

BHASIN MOTORS INDIA P.LTD. Respondent
Through Mr R.M.Mehta, Advocate

+ ITA 517/2008

COMMISSIONER OF INCOME TAX (TDS) Appellant
Through Ms P.L.Bansal, Sr.Standing
Counsel with Mr M.P.Gupta, Mr Sanjeev
Rajpal and Ms Anshul Sharma, Advocates

versus

BHASIN MOTORS INDIA P.LTD Respondent
Through Mr R.M.Mehta, Advocate

+ ITA 518/2008

COMMISSIONER OF INCOME TAX (TDS) Appellant
Through Ms P.L.Bansal, Sr.Standing
Counsel with Mr M.P.Gupta, Mr Sanjeev
Rajpal and Ms Anshul Sharma, Advocates

versus

BHASIN MOTORS INDIA P.LTD. Respondent
Through Mr R.M.Mehta, Advocate

+ ITA 558/2008

COMMISSIONER OF INCOME TAX DELHI XVII..Appellant
Through Ms P.L.Bansal, Sr.Standing Counsel
with Mr M.P.Gupta, Mr Sanjeev Rajpal and Ms
Anshul Sharma, Advocates

versus

BHASIN MOTORS INDIA (P) LTD. ..Respondent
Through Mr R.M.Mehta, Advocate

AND



+ **ITA 821/2008**

COMMISSIONER OF INCOME TAX Appellant
Through Ms P.L.Bansal, Sr.Standing Counsel
with Mr M.P.Gupta, Mr Sanjeev Rajpal and Ms
Anshul Sharma, Advocates

versus

BHASIN MOTORS INDIA P.LTD. ... Respondent
Through Mr R.M.Mehta, Advocate

CORAM:

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **24.04.2009**

These Appeals are in respect of financial year 1997-1998 to financial year 2001-2002 i.e. five years, the total tax effect of which is Rs 4,25,166/-. Undisputedly, the tax effect in each of the Appeals is less than Rupees 4,00,000/-. In response to our queries, an Affidavit has been filed to the effect that the agreement between the Assessee and West Delhi Automobiles Pvt Ltd. had come to an end on 31.05.2003. This was a result of the termination of the Assessee's dealership with Maruti Udyog Ltd. According to Mr Mehta, learned counsel appearing for the Respondent, this fact in itself shows that the agreement in question was a collaboration agreement and not a lease agreement. We do not propose to go into this question because tax effect involved in these cases as also the factor that the arrangement has come to an end and, therefore, no enduring or recurring tax liability would arise.



Ms Bansal, counsel appearing for the Revenue, states that various circulars issued from time to time may, if interpreted as per her understanding, justify as a broad rule to entertain all these appeals. However this issue is left open to be decided in appropriate matter.

So far as these Appeals are concerned, we may only note that the first hearing of the appeals was on 19th May, 2008 by which time the circular dated 15.05.2008 would already have come into effect which mandates that tax effect has to be seen from the point of view of each assessment year.

In view of the above, we decline to entertain these appeals.

Dismissed.

A handwritten signature in black ink, appearing to read 'Sen' with a checkmark-like flourish below it.

VIKRAMAJIT SEN, J

A handwritten signature in black ink, appearing to read 'Rajiv Shakdher' with a checkmark-like flourish below it.

RAJIV SHAKDHER, J

APRIL 24, 2009
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