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% 17.08.2010

Present: Ms. Suruchi Aggarwal and Ms. Sonia Mathur, Advocates for the Revenue.
Mr. M.S. Syali, Sr. Advocate with Mr. Satyen Sethi, Mr. H. Syali and Mr. Sumit Singh, Advocates for the respondent.

(Common Orders)**+ITA Nos.81, 85, 158, 283, 523 & 1307/2009**

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A search and seizure operation was carried out at the residential and business premises of Blue Bird Group of Companies to which all these assesseees belong. On the basis of that operation, notice for block assessment was issued to all the assesseees resulting in the assessment orders. Certain additions were made by the Assessing Officer on the ground that some of the gifts purportedly shown by the assesseees were found to be bogus. The CIT (A) as well as the Income Tax Appellate Tribunal, however, deleted these additions. The main reason given by the Tribunal in respect of its common order passed in respect of all these assesseees is that no documents were found in the course of search in respect of these gifts, which would warrant block assessment proceedings and aforesaid additions. In this behalf, though the Tribunal has taken note of the fact that certain documents were seized relating to the said gifts in the search operation, however, what is observed by the learned Tribunal is that insofar as these gifts are concerned, they were disclosed by the assesseees in the balance sheets in the regular course of assessment.



(4)

One of the submissions of the learned counsel for the Revenue is that no such disclosure was made in the balance sheets produced by the assesseees when the original assessments were made. If that be so, proper course of action for the appellant is to approach the Tribunal by moving appropriate Application under Section 254(2) of the Income Tax Act.

Granting the aforesaid liberty to the appellant, these appeals are disposed of. However, it would be open to the appellant to challenge the impugned order as well as the order passed under Section 254(2), if that order eventually goes against the appellant.


A.K. SIKRI, J.


REVA KHETRAPAL, J.

AUGUST 17, 2010

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