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

\+ ITA 845/2009, ITA 909/2009 & ITA 1409/2010

THE COMMISSIONER OF INCOME TAX ..... Appellant
Through : Mr Sanjeev Sabharwal with Mr Puneet Gupta and Ms Gayatri Verma

versus

NAHAR THEATERS P. LTD ..... Respondent
Through : Mr M. S. Syali, Sr Advocate with Ms Husnal Syali Nagi

CORAM:
HON'BLE MR JUSTICE BADAR DURREZ AHMED
HON'BLE MR JUSTICE R.V.EASWAR

ORDER

% **10.01.2013**

In these three appeals, namely, ITA 845/2009, ITA 909/2009 and ITA 1409/2010 pertaining to the assessment years 2003-04, 2004-05 and 2005-06, respectively, the orders dated 18.12.2008 and 12.08.2009 in ITA Nos. 1661/Del/2007, 3184/Del/2007 and 2301/Del/2009 passed by the Income Tax Appellate Tribunal are impugned.

The counsel for the parties are agreed that these matters require to be re-considered by the Tribunal. We have also noticed that the Memorandum of Understanding (MOU) dated 21.12.2002 has not been considered by the Tribunal from the standpoint as to whether the said MOU was part of the record before the Assessing Officer or not. This also needs to be looked into by the Tribunal.

Consequently, we are setting aside the impugned orders except the portion with regard to the annual letting value in respect of the assessment year 2003-04. The rest of the contentions of the parties will be gone into afresh by the Tribunal.

The parties shall appear before the Tribunal on 28.01.2013, in the first instar

The appeals stand disposed of accordingly.

BADAR DURREZ AHMED, J

R.V.EASWAR, J

JANUARY 10, 2013
SR