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

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**ITA 220/2013**

**COMMISSIONER OF INCOME TAX DELHI,  
CENTRAL -II**

..... Appellant

Through: Ms. Suruchi Aggarwal,  
Senior standing counsel with Ms.  
Lakshmi Gurung, Jr. Standing  
counsel and Mr. Abhishek Sharma,  
Advocate.

Versus

**NAVBHARAT INTERNATIONAL LTD.** ..... Respondent

Through: Mr. Salil Kapoor with  
Mr. Vikas Jain and Mr. Sanat  
Kapoor, Advocates.

With

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**ITA 222/2013**

**COMMISSIONER OF INCOME TAX DELHI,  
CENTRAL -II**

..... Appellant

Through: Ms. Suruchi Aggarwal,  
Senior standing counsel with Ms.  
Lakshmi Gurung, Jr. Standing  
counsel and Mr. Abhishek Sharma,  
Advocate.

versus

**M/s. NAVBHARAT EXPORT**

..... Respondent

Through: Mr. Salil Kapoor with  
Mr. Vikas Jain and Mr. Sanat  
Kapoor, Advocates.

With

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**ITA 230/2013**

**COMMISSIONER OF INCOME TAX DELHI,  
CENTRAL -II**

..... Appellant



Through: Ms. Suruchi Aggarwal,  
Senior standing counsel with Ms.  
Lakshmi Gurung, Jr. Standing  
counsel and Mr. Abhishek Sharma,  
Advocate.

versus

**NAVBHARAT INTERNATIONAL LTD.** ..... Respondent

Through: Mr. Salil Kapoor with  
Mr. Vikas Jain and Mr. Sanat  
Kapoor, Advocates.

With

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**ITA 247/2014**

**COMMISSIONER OF INCOME TAX DELHI,  
CENTRAL -II**

..... Appellant

Through: Ms. Suruchi Aggarwal,  
Senior standing counsel with Ms.  
Lakshmi Gurung, Jr. Standing  
counsel and Mr. Abhishek Sharma,  
Advocate.

versus

**M/s. NAVBHARAT EXPORT**

..... Respondent

Through: Mr. Salil Kapoor with  
Mr. Vikas Jain and Mr. Sanat  
Kapoor, Advocates.

With

11

**ITA 248/2014**

**COMMISSIONER OF INCOME TAX DELHI,  
CENTRAL -II**

..... Appellant

Through: Ms. Suruchi Aggarwal,  
Senior standing counsel with Ms.  
Lakshmi Gurung, Jr. Standing  
counsel and Mr. Abhishek Sharma,  
Advocate.

versus

**M/s. NAVBHARAT EXPORT**

..... Respondent

Through: Mr. Salil Kapoor with  
Mr. Vikas Jain and Mr. Sanat  
Kapoor, Advocates.



AND

12

ITA 249/2014

COMMISSIONER OF INCOME TAX DELHI,  
CENTRAL -II

..... Appellant

Through: Ms. Suruchi Aggarwal,  
Senior standing counsel with Ms.  
Lakshmi Gurung, Jr. Standing  
counsel and Mr. Abhishek Sharma,  
Advocate.

versus

M/s. NAVBHARAT EXPORT

..... Respondent

Through: Mr. Salil Kapoor with  
Mr. Vikas Jain and Mr. Sanat  
Kapoor, Advocates.

CORAM:

HON'BLE DR. JUSTICE S. MURALIDHAR

HON'BLE MR. JUSTICE RAJIV SHAKDHER

**ORDER**

**28.07.2015**

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1. It is not in dispute that in relation to the earlier Assessment Year ('AY') 2004-05 the appeals filed by the Revenue, ITA Nos. 212 and 221 of 2013 (*CIT-II v. Navbharat Export*) have been dismissed by the Court by its order dated 5<sup>th</sup> May 2015. The Court has upheld the finding of the ITAT that the Assessing Officer ought not to have rejected the book results only on the ground that excess stock was declared during the course of search of the Assessee. The Court affirmed the view of the ITAT, which was "entirely based on fact", that the Commissioner of Income Tax (Appeals) erred in upholding the rejection of the book results.



2. These appeals which involve the same questions and which pertain to AYs 2003-04 and 2004-05 (for the period 1<sup>st</sup> April 2003 to 31<sup>st</sup> March 2004) stand covered by the said order dated 5<sup>th</sup> May 2015.

3. The appeals are dismissed.

A handwritten signature in black ink, appearing to be 'S. Muralidhar'.

**S. MURALIDHAR, J**

A handwritten signature in black ink, appearing to be 'Rajiv Shaktiher'.

**RAJIV SHAKDHER, J**

**JULY 28, 2015/Rk**