THE HON'BLE SRI JUSTICE DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

I.T.T.A. Nos.113, 120, 148, 162, 165, 166, 167, 170, 171, 172, 173 and 174 of 2005

COMMON JUDGMENT: (per Hon'ble Sri Justice Dilip B.Bhosale)

Learned counsel appearing for the appellant-Revenue submits that the questions of law formulated in all these appeals are common. The questions of law formulated in ITTA No.113 of 2005 read thus:

> "(A) Whether on the facts and circumstances of the case, the Appellate Tribunal is justified in holding that the assessee is entitled to the relief u/s.89 (1) of the Income Tax Act in respect of the compensation amount received on the eve of voluntary retirement from service, over and above the ceiling limit of Rs.5 lakhs stipulated in Section 10 (10C) of the Income Tax Act, in spite of proviso thereto?"
>
> (B) Whether the Appellate Tribunal is justified in holding that relief u/s.89 (1) of the Income Tax Act also is liable to be extended to compensation received on the eve of voluntary retirement, in spite of section 10 (10C) of the Income Tax Act framing a self-contained and integral sceheme to cover such receipts?"

At the outset Mr.S.R.Ashok, learned counsel appearing for the appellant, invited our attention to the judgment of this Court dated 24.10.2006 whereby this Court disposed of W.P.No.20173 of 2014 and connected writ petitions and I.T.T.A.No.47 of 2003 and connected appeals. He submits that both the questions raised in these appeals were addressed in the said judgment. In view thereof he further submits that both the questions raised in these appeals may be answered against the Revenue and in favour of the assessees.

Learned counsel appearing for the respondents-assessees joins him in making such prayer on the basis of the judgment of this Court dated 24.10.2006, disposing the batch of writ petitions and I.T.T.A.s.

Hence, both the questions raised in these appeals are answered against the Revenue and in favour of the assessees. The appeals are disposed of. No order as to costs.

Miscellaneous petitions pending in these appeals, if any, also stand disposed of.

Dilip B.Bhosale, J

A.Ramalingeswara Rao, J

2nd February, 2015.
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