THE HON'BLE SRI JUSTICE G. CHANDRAIAH

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

I.T.T.A. No. 11 of 2006

ORDER:- (per Hon'ble Sri Justice Challa Kodanda Ram, J)

This appeal at the instance of Revenue, arises from the order of the Tribunal dated 05.07.2005 in ITA No.64/Vizag/2005 for the assessment year 2001-02, raising the following substantial questions of law:

> **"(A) Whether on the facts and in the 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 the voluntary retirement from service, over and above the ceiling limit of Rs.5 lakhs stipulated in Section 10(10C) of the Income Tax Act, inspite 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, inspite of section 10(10C) of the Income Tax Act framing a self-contained and integral scheme to cover such receipts?"**

2. When the matter is taken up for hearing, it is fairly conceded by the learned Standing Counsel for the Department that the issue raised in the present case is squarely covered by the Common Judgment of this Court in W.P No.20173 of 2004 and batch and I.T.T.A No.15 of 2005 and batch, against the Revenue.

3. In that view of the matter, the questions of law raised are

also in favour of the assessee and against the Revenue.

4. The appeal is, accordingly, dismissed. No costs. Miscellaneous petitions, if any pending in this appeal, shall stand closed.

G. CHANDRAIAH, J

CHALLA KODANDA RAM, J

08th July, 2015

ksm

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