IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Income Tax Appeal No. 279 of 2012
Date of Decision: 24.03.2015

Commissioner of Income Tax-II, Chandigarh. ..Appellant

versus

Punjab State Federation of Coop. House Building Societies Ltd.
..Respondent

CORAM: HON'BLE MR. JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE.
HON'BLE MR. JUSTICE G.S.SANDHAWALIA.

Present : Ms. Urvashi Dhugga, Advocate, for the appellant-Revenue.
Mr. M.R.Sharma, Advocate, for the respondent-Assessee.

****

S.J.VAZIFDAR A.C.J. (Oral)

The appellant has contended that three substantial questions of law arise in the present case. Question Nos. (1) and (2) pertain to the scope of the term payable in Section 40(a)(ia) of the Finance Act, 2010. It is, however, not necessary to decide these questions in view of the facts of this case. The Tribunal held that the respondent had deducted the tax at source out of the payments made to the contractor and deposited the same before 08.07.2008 i.e. before the due date for filing the return of the income namely 30.09.2008.

2. A Division Bench of this Court by an order and judgment dated 07.10.2014 in ***Commissioner of Income Tax, Faridabad v. M/s Foremost International Pvt. Ltd.*** held that the amendment to Section 40(a)(ia) which came into effect on 01.04.2010 by Finance Act, 2010 is retrospective. Thus, in any event, there was no contravention of the provisions of Section 40(a)(ia) of the Act by the assessee-respondent.

The appeal is, therefore, dismissed.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

(G.S.SANDHAWALIA)
JUDGE

24.03.2015
ravinder