IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 1202 OF 1998

Schrader Scovill Duncan Ltd. .. Applicant

v/s.

The Commissioner of Income Tax,
West Bengal-I, Calcutta .. Respondent

Mr. B.G. Yewale i/b Rajesh Shah & Co. for the applicant
None for the respondent

CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.

DATED : 22nd JULY, 2016.

P.C.

1. This Reference under Section 256(1) of the Income Tax Act, 1961 (the Act) by the Income Tax Appellate Tribunal for Assessment Year 1977-78 seeks our opinion on the following question of law :-

Whether the Tribunal was justified in holding that the expenditure incurred by the assessee in maintaining certain premises in Bombay and Delhi could be dis-allowed under Sec. 37(4)?

2. The learned Counsel appearing for the applicant assessee states that this question stands concluded against the applicant assessee and

in favour of the Revenue by the decision of the Apex Court in ***Britannia Industries Ltd. Vs. Commissioner of Income-Tax & Anr. 278 ITR 546***.

3. In the above view, the question as framed is answered in the affirmative i.e. in favour of the Revenue and against the applicant assessee.

4. The Reference is disposed of in the above terms.

(A.K. MENON, J.) **(M.S. SANKLECHA, J.)**