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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
INCOME TAX REFERENCE NO. 593 OF 1998**

The Commissioner of Income Tax

Bombay City II, Bombay

... Applicant.

V/s.

M/s Killick Nixon Ltd.

... Respondent

None for the applicant.

None for respondent.

**CORAM : M. S. SANKLECHA &  
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

**DATE : 15<sup>th</sup> JANUARY, 2016.**

**P.C.:**

1. This Reference under Section 256(1) of the Income Tax Act relates to assessment year 1978-79. None appears for the Revenue in support of the Application. It appears that the Revenue is not interested in pursuing the Reference.

2. In the above view, the Reference is returned “unanswered” leaving the question raised herein open to be considered in appropriate case.

3. Reference is disposed of in above terms.

**[DR. SHALINI PHANSALKAR-JOSHI, J.] [M.S. SANKLECHA, J.]**

**C E R T I F I C A T E**

Certified to be true and correct copy of the original signed order.