IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

T.C.A.Nos.734 to 737 of 2016

Commissioner of Income Tax 3,
No.63, Race Course Road,
Coimbatore. .. Appellant in all the TCA Nos.734/2016 to 737/2016/Appellant

Vs.

M/s. Best Corporation Pvt. Ltd.,
No.89/2, Padmavathipuram,
Avinashi Road,
Tiruppur - 641 603. ..Respondent in TCA No.734/2016/Respondent

M/s. SRG Apparels Pvt. Ltd.,
No.10B, Padmavathipuram,
Gandhi Nagar Post,
Tirupur - 641 603. .. Respondent in TCA No.735/2016, and 736/2016/Respondent

M/s. India Dyeing Mills Pvt. Ltd.,
No.10-12, 2nd Street,
Kumaran Nagar South,
Tirupur - 641 603. ..Respondent in TCA No.737/2016/Respondent

T.C.A.No.734 of 2016 is filed under Section 260-A of the Income Tax Act against the orders, dated 18.03.2016 in ITA Nos.100/Mds/2016, 106/Mds/2016, 107/Mds/2016 and 109/Mds/2016 on the file of the Income Tax Appellate Tribunal, Madras ''A" Bench against the order of the Commissioner of Income Tax(Appeals)-3 Coimbatore, in ITA No.77/15-16, ITA No.607/14-15 & ITA No.56/14-15, and in ITA No.120/15-16, dated 29/10/2015 15.10.2015 & 28.10.2015 respectively and against the order of the Deputy Commissioner of Income Tax Circle-I Tirupur dated 31/03/2015, 7.01.15 20.03.14 & 30.03.2015 respectively for the assessment year 2011-12 & 2012-13 in P.A.No./GIR No.AACCR6828G, AADCS8162K & AAAC146023.

For appellant : Mr.T.R.Senthil Kumar,
Standing Counsel for Income Tax Dept.

JUDGMENT

(Judgment of the Court was delivered by Nooty.Ramamohana Rao,J.)

The Revenue has come up with these Tax Case Appeals under Section 260-A of the Income Tax Act against the orders, dated 18.03.2016 in ITA Nos.100/Mds/2016, 106/Mds/2016, 107/Mds/2016 and 109/Mds/2016 on the file of the Income Tax Appellate Tribunal, Madras ''A" Bench.

2. The Appellant raised the following substantial question of law for consideration in these Tax Case Appeals:

(i) Whether on the facts and circumstances of the case the Appellate Tribunal was right in law in holding that the assessee is entitled to deduction under Section 80 IA of the Income Tax Act?

3. When these appeals are listed for admission, without issuing notice to the other side, the same are disposed of at the admission stage itself.

4. A Division Bench of this Court in the case of Velayudhaswamy Spinning Mills (P) Ltd. Vs. Assistant Commissioner of Income Tax, reported in 2012 (21) Taxmann.com 95 (Madras), has subscribed to the same view of the Rajasthan High Court in the case of CIT Vs. Mewar Oil and General Mills Ltd., reported in 2004 (186) CTR (Raj) 141 on the same subject and after perusing the said judgment of this Court in the case of Velayudhaswamy Spinning Mills (P) Ltd., we are of the opinion that the view taken by this Court is correct and we also draw the comfort from the fact that the Special Leave Petition preferred by the Revenue against the judgment rendered by this Court in Velayudhaswamy Spinning Mills (P) Ltd., bearing S.L.P.No.33475 of 2012, etc., (Assistant Commissioner of Income Tax, Tirupur Vs. M/s.Velayudhaswamy Spinning Mills P. Ltd), has since been dismissed by the Supreme Court on 05.09.2016, no doubt, without assigning any reasons therefor, but the Supreme Court has simply not found any warrant for interference with the said judgment of this Court in the case of Velayudhaswamy Spinning Mills (P) Ltd.

5. Hence, we prefer to follow the reasoning contained in the said judgment of this Court in the case of Velayudhaswamy Spinning Mills (P) Ltd., and dismiss these appeals preferred by the Revenue, at the admission stage itself, but however, without costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gr.

Copy to

1.The Registrar,
Income Tax Appellate Tribunal, "A" Bench,
Chennai.

2.The Commissioner of Income Tax (Appeals)-3,
Coimbatore.

3.The Deputy Commissioner of Income Tax Circle-I,
Tiruppur.

4.The Assistant Registrar,
Income Tax Appellate Tribunal 'B' Bench,
III Floor,
Rajaji Bhavan,
Besant Nagar, Chennai-90.

+3cc to M/S.T.R.Senthilkumar, Advocate Sr.61448, 61432 & 61430

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srg 23/11/2016