THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT JUSTICE ANIS

I.T.T.A.Nos. 271 and 280 of 2016

COMMON JUDGMENT: ***(Per VRS,J)***

The Revenue has come up with the above appeals under

Section 260A of the Income Tax Act, 1961, raising the following substantial questions of law:

1) *Whether, in the facts and circumstances of the case, the Hon'ble Tribunal (ITAT) is correct in law in holding that the provisions of Section 80IB of the Income Tax Act, 1961 as stood prior to the amendment brought in under Finance Act (No.2) Act, 2004, with effect from 01.04.2005, are applicable to the respondent-assessee, as the project was got approved by the concerned authority before 01.04.2004?*

2) *Whether, in the facts and circumstances of the case, the Hon'ble Tribunal (ITAT) is correct in law in holding that the respondent-assessee is entitled for deduction under Section 80IB(10) of the Income Tax Act, 1961 in spite of non-production of completion certificate by the respondent-assessee, as required under the Statute for the relevant assessment year? and*

3) *Whether, in the facts and circumstances of the*

case, the Hon'ble Tribunal (ITAT) is correct in law in holding that the respondent-assessee is entitled for deduction under Section 80IB(10) of the Income Tax Act, 1961, despite the fact that the project was not completed within the stipulated time i.e., on or before 31.03.2008?

By the order impugned in these appeals, the Tribunal decided the issues against the Revenue, on the basis of an earlier decision of the Tribunal in the assessee's own case in I.T.A.Nos. 696 & 697/Hyd/2013. The said decision was taken up on appeals by the Revenue in I.T.T.A.Nos. 351 and 457 of 2014. But, by judgments, dated 12.06.2014 and 24.07.2014 respectively, this Court dismissed both the appeals, on the basis of the decision of the Madras High Court in ***C.I.T. Vs. Jain Housing & Construction Limited*** (214 Taxman 178). Therefore, following the same, these appeals are also dismissed.

Consequently, miscellaneous petitions if any pending in the appeals shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ANIS, J.

2nd August, 2016
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