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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
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\+ **W.P.(C) 612/2008**

COSMIQUE GLOBAL ..... Petitioner

Through Mr Sachit Jolly, Advocate.

versus

COMMISSIONER OF INCOME TAX ..... Respondent

Through Mr Dileep Shivpuri, Senior Standing Counsel with Mr Zoheb Hossain, Standing Counsel.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE VIBHU BAKHRU

O R D E R

% **17.02.2016**

1. Learned counsel for the Revenue states that in view of the order dated 30th March, 2015 passed by the Supreme Court in ***SLP (Civil) 9273/2013 Commissioner of Income Tax-5 v. M/s Avni Exports*** the exemption under Section 80 HHC of the Income Tax Act 1961 ('Act') cannot be denied to the Petitioner for Assessment Year (AY) 2003-04 in terms of the 3rd and 4th provisos to sub-section (3) thereof on the ground that the Petitioner's export turnover for the said AY exceeded Rs. 10 crores.

2. In that view of the matter, the writ petition is allowed as prayed for. Consequent thereto, the Assessing Officer is directed to grant appropriate relief in terms of Section 80 HHC of the Act to the Petitioner for the AY 2003-04.

S.MURALIDHAR, J

VIBHU BAKHRU, J

FEBRUARY 17, 2016
pkv