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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **ITA No. 381/2016**

Reserved on: 11th November 2017
Decided on: 7th December, 2017

PR. COMMISSIONER OF INCOME TAX-6 ....Appellant
Through: Mr. Mr. Rahul Chaudhary and Mr. Sanjay Kumar, Advocates.

versus

MARUTI UDYOG LTD. ..... Respondent
Through : Mr. S. Ganesh, Senior Advocate with Ms. Kavita Jha, Mr. S. Sukumaran, Mr. Anand Sukumar, Mr. Bhuwan Dhoopar, Ms. Roopali Gupta and Mr.Bhupesh Pathak, Advocates.

CORAM: JUSTICE S. MURALIDHAR
JUSTICE PRATHIBA M. SINGH

JUDGMENT

% **07.12.2017**

Dr. S. Muralidhar, J.

1. This is an appeal by the Revenue against the order dated 24th August 2015 passed by the ITAT in ITA Nos. 5120/Del/2010 and 2441/Del/2012 for AY 2006-07.

2. While admitting this appeal on 16th November 2016, the following questions of law were framed:

"Did the ITAT fall into error in cancelling the additions in respect of

the following:-

i) Custom Duty paid on import of components for export purposes for which export had not been made by year end: Rs. 8,65,07,635/- & Rs. 1,47,142/-.

ii) Custom Duty on Inventory in closing stock: Rs. 22,52,46,693/-.

(iii) Did the Tribunal fall into error in ruling that sales tax exemptions received to the tune of Rs. 32,25,70,213/from Government of Haryana was capital in nature overlooking the decision of Supreme Court in ***Sahney Steel & Press Works Ltd v. CIT (l997) 228 ITR 253***?

3. In view of the orders passed today by this Court in ITA Nos. 250 of 2005 and 171 of 2012, the questions are answered in the negative, i.e. in favour of the Assessee and against the Revenue. The appeal is accordingly dismissed.

S. MURALIDHAR, J.

PRATHIBA M. SINGH, J.

DECEMBER 07, 2017
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