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

\+ **ITA No. 411/2005**

THE COMMISSIONER OF INCOME TAX ..... Appellant
Through: Mr. Rahul Kaushik, Senior Standing Counsel for the Income Tax Department.

versus

KAJARIA CERAMICS LTD. ..... Respondent
Through: Mr. Prakash Kumar, Advocate.

CORAM: JUSTICE S. MURALIDHAR
JUSTICE PRATHIBA M. SINGH

O R D E R

% 28.08.2017

1. The Revenue is in appeal against an order dated 26th August 2004 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No. 4748/Del/2000 for the Assessment Year ('AY') 1998-99.

2. While admitting this appeal on 25th October 2005, the following question of law was framed for consideration:

> "Whether the ITAT was correct in holding that Section 194 C of the Income Tax Act, 1961was not applicable to the payments made by the assessee for purchase of corrugated boxes as per the assessee's specification?"

3. This Court, in its decision in ***Commissioner of Income Tax v. Dabur India Limited [2006] 283 ITR 197 (Del)*** held that printing of labels on corrugated boxes did not require any specialized skill and the underlying

object of the contract was for sale of goods which took it out of the purview of the Section 194C of the Income Tax Act, 1961 ('Act').

4. In that view of the matter, the question framed is answered in the affirmative, i.e. in favour of the Assessee and against the Revenue.

5. This appeal is, accordingly, dismissed.

S. MURALIDHAR, J.

PRATHIBA M. SINGH, J.

AUGUST 28, 2017

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