$~R-125

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

\+ **ITA 626/2005**

COMMISSIONER OF INCOME TAX, DELHI-II .... Appellant

Through: Ms. Vibhooti Malhotra, Advocate.

versus

LIQUID INVESTMENT & TRADING CO. .... Respondent

Through: Ms. Kavita Jha and Mr. Bhuwan Dhoopar, Advocates.

**CORAM:**
**JUSTICE S.MURALIDHAR**
**JUSTICE PRATHIBA M. SINGH**

**<u>O R D E R</u>**

**% 04.09.2017**

1. This is an appeal under Section 260A of the Income Tax Act, 1961 by the Revenue directed against the order dated 3rd December, 2004 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No.1493/Del/2004 for the Assessment Year 1996-97.

2. While admitting this appeal on 5th September, 2005, the following question of law was framed:

> "Whether the Income Tax Appellate Tribunal was correct in law in not allocating any value to the detachable warrant enclosed to the Non Convertible Debentures which had entitled the assessee to have a right to subscribe to a share of the company at a discounted rate?"

3. It is not in dispute that the said question of law stands answered against the Revenue and in favour of the Assessee by the order dated 22nd

September, 2016 of this Court in ITA No. 595/2004 (***CIT v. Mohair Investment & Trading Co.***). Accordingly, the question framed is answered in the affirmative i.e. against the Revenue and in favour of the Assessee.

4. The appeal is dismissed.

**S. MURALIDHAR, J.**

**PRATHIBA M. SINGH, J.**

**SEPTEMBER 04, 2017**
*dk*