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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
R-25
\+ **ITA 90/2005**

COMMISSIONER OF INCOME TAX ..... Petitioner
Through: Ms. Vibhooti Malhotra, Advocate.

versus

ESCORTS TRACTORS LTD .... Respondent
Through: Mr. Simran Mehta with Ms. Swati R.K. and Mr. Shivank Datta, Advocates.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE PRATHIBA M. SINGH

<u>O R D E R</u>
% **04.07.2017**

1. This appeal is directed against the impugned order dated 16th July 2004 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No. 6105/Del/1995 for the Assessment Year 1992-93.

2. This Court, while admitting this appeal on 3rd January 2005, framed the following question of law for consideration:

> "Whether the expenses of Rs. 20,29,470 on account of expenditure on the issue of debentures of the company is to be considered for the benefits under Section 37 or under Section 35D of the Income Tax Act, 1961?"

3. It is not in dispute that the above question now stands answered in favour of the Assessee and against the Revenue by the decision of this Court in the

Assessee's own case in ***Commissioner of Income Tax v. Escorts Tractors Limited (2009) 2 Taxmann.com 54 (Del.)***

4. The appeal is, accordingly, dismissed.

S.MURALIDHAR, J

PRATHIBA M. SINGH, J

JULY 04, 2017
Rm