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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ITA No. 904/2011

Reserved on: 11th November 2017

Decided on: 7th December, 2017

COMMISSIONER OF INCOME TAX, DELHIAppellant

Through: Mr. Rahul Chaudhary and Mr. Sanjay Kumar, Advocates.

versus

MARUTI SUZUKI INDIA 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**

ORDER

07.12.2017

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Dr. S. Muralidhar, J.

1. This is an appeal by the Revenue against the impugned order dated 29th October 2010 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No.663/Del/2008 for the AY 1997-98.

2. While admitting this appeal on 10th August 2011, the following questions of law were framed for consideration:

“Whether the Tribunal is right in holding that on account of duty drawback had not accrued and become payable to the assessee and cannot be included in the taxable income of the assessee for the assessment year 1994-95,1997-98, 1998-99?”

3. In view of the order passed by this Court today in ITA No. 250 of 2005, the question is answered in the affirmative, i.e. in favour of the Assessee and against the Revenue.

4. ITA No. 904 of 2011 is accordingly dismissed.

S. MURALIDHAR, J.

PRATHIBA M. SINGH, J.

DECEMBER 07, 2017

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