IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 338 OF 2006

Cello Pens & Stationery Pvt. Ltd. .. Appellant

v/s.

Asstt. Commissioner of Income Tax,
Vapi Circle, Vapi ..Respondent

Mr. Atul Jasani for the appellant
None for the respondent

CORAM : M.S. SANKLECHA &
SANDEEP K. SHINDE, J.J.

DATED : 22nd JUNE, 2018.

P.C.

1. This appeal under Section 260A of the Income Tax Act, 1961 (the Act) was admitted on 20th June, 2018 on the following substantial question of law :-

> *"Whether the depreciation which though allowable but not claimed in the return for normal computation of income has to be allowed while computing the deduction under Chapter VI-A viz. 80HH, 80IA, 80IB etc. of an industrial undertaking"*

2. This appeal relates to Assessment Year 2001-02.

3. Mr. Jasani, learned Counsel appearing in support of the appeal very fairly states that the issue arising herein stands concluded against the appellant assessee and in favour of the respondent Revenue by the decision of Supreme Court in ***Plastiblends India Ltde. Vs. Addl. Commissioner of Income Tax & Anr. 398 ITR 568***.

4. In the above view, the substantial question of law is answered in the affirmative i.e. in favour of the respondent Revenue and against the appellant assessee.

5. The appeal is dismissed. No order as to costs.

(SANDEEP K. SHINDE J.) **(M.S. SANKLECHA, J.)**