IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tax Case (Appeal) No.1823 of 2008

The Commissioner of Income Tax,
Coimbatore.

... Appellant

-vs-

M/s.Ambika Cotton Mills Ltd.,
9A, Valluvar Street, Sivanandha Colony,
Coimbatore - 641 012.

... Respondent

Tax Case (Appeal) filed under Section 260-A of the Income Tax Act, 1961 against the order of the Income-tax Appellate Tribunal Chennai "A" Bench, dated 30.07.2008 in ITA No.38/Mds/2007 for the assessment year 2003-04, against the order of Commissioner of Income Tax (Appeals) I Coimbatore made in Appeal No.364/05-06, dated 5/12/2006, for the Assessment Year 2003-04, against the Assistant Commissioner of Income Tax, IT Department Company Circle I(3), Coimbatore made in PAN/GIR No.AABCA8985E/A-56 dated 08/11/05 for the Assessment Year 2003-04.

For Appellant : Mr. T.R.Senthil Kumar

For Respondent : M/s.Sree Lakshmi Valli

ORDER

This Tax Case Appal filed by the Revenue is directed against the order passed by the Income Tax Appellate Tribunal, Chennai-A Bench in ITA No. 38/Mds/2007 for the assessment year 2003-04.

2.This Appeal has been admitted on 26.11.2008, on the following Substantial Question of Law:

"Whether on the facts and circumstances of the case the Appellate Tribunal was right in law in holding that, the disallowance deduction under Section 80HHC in a case of MAT assessment is to be worked out on the basis of the adjusted books profits under Section 115JB of the Income Tax Act, 1961 is valid?"

3.Heard Mr.T.R.Senthil Kumar, Learned Counsel for the Appellant/Revenue and M/s.Sree Lakshmi Valli, learned counsel for the Respondent/Assessee.

4.The Learned Counsel for the appellant/Revenue fairly submits that the Substantial Question of Law, which has been framed for consideration in this appeal, is squarely covered against the Revenue, in the light of the decision of the Hon'ble Supreme Court in the case of Ajantha Pharma Ltd., vs. Commissioner of Income Tax-9, Mumbai in Civil Appeal No. 7518 of 2010.

5.Thus, following the above referred decision, the Substantial Question of Law framed for consideration is answered against the Appellant/Revenue and accordingly, the Tax Case Appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msk/mrm

To

1.Income-Tax Appellate Tribunal Chennai “A” Bench, Chennai.

2.The Commissioner of Income Tax, Coimbatore.

3.The Commssioner of Income Tax (Appeals) I, Coimbatore.

4.The Assistant Commissioner of Income Tax, IT Department, Company Circle I(3), Coimbatore.

5.The Assistant Registrar, Income Tax Appellate Tribunal,
IIIrd Floor Rajaji Bhavan, Besant Nagar,
Chennai-90.

+1cc to M/S.N.Muthukumar, Advocate sr.70868
+1cc to M/S.T.R.Senthilkumar, Advocate sr.71163

skv[co]
srg 16/11/2018