THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

I.T.T.A.No.311 of 2005

Date: 03.01.2018

Between:

The Commissioner of Income Tax-III,
Hyderabad. …. Appellant

And

M/s. Andhra Pradesh Paper Mills,
5th floor, Swapnalok Complex,
S.D.Road, Secunderabad. … Respondent

Counsel for the Appellant : Mr.B.Narasimha Sarma
Senior Standing Counsel
for Income Tax

Counsel for the Respondent : Mr. Challa Gunaranjan

The Court made the following:

Judgment : (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The following substantial questions of law have been raised by the revenue in the present appeal:

> "1. On the facts and in the circumstances of the case, whether, when the issue pertaining to the payment of deferential royalty payable to the government by the assessee is pending before the Hon'ble Supreme Court, the claim for total deduction of deferential royalty amount is sustainable in law?
>
> 2. Whether the finding of the Tribunal dismissing the appeal of the Revenue as a covered case and without considering the statutory provisions and the fact of pendency of related issue before the Hon'ble Supreme Court is sustainable in law?
>
> 3. Other ground if any would be urged at the time of hearing with the permission of the Hon'ble Court".

2. At the hearing, Mr.B.Narasimha Sarma, learned Senior Standing Counsel for Income Tax, fairly submitted that this Court by order dated 29.11.2017 has dismissed I.T.T.A.No.299 of 2005, relating to the same assessee, wherein identical questions of law have been raised by the revenue.

3. In the light of the said order, the substantial questions of law in this appeal are answered against the revenue and consequently, the appeal is dismissed.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Date: 3rd January, 2018

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