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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 290/2018

PRINCIPAL COMMISSIONER OF INCOME TAX - 1
..... Appellant

Through Mr. Sanjay Kumar and Mr. Rahul Chaudhary, Standing Counsel.

versus

M/S. ANIKA INTERNATIONAL PVT. LTD. ..... Respondent

Through None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

<u>O R D E R</u>

% **12.03.2018**

The Revenue's appeal for AY 2012-13 involves the question of law that it had urged for previous year in ITA 99/2018. An identical issue with respect to depreciation claimed and granted upon land (on which constructions were carried out), was decided by this Court. In ITA 99/2018 this Court on 31.01.2018 dismissed the Revenue's appeal, holding as follows :

"2. The assessee's return was scrutinized and assessed at ₹12,24,98,623/- that included a disallowance of depreciation on the land apportioned commercial property to the extent of ₹1,17,51,405/-. The CIT(A) held that the correct method would have been to apportion the land cost of construction in the same ratio in the total amount of sale consideration on which stamp duty was reckoned for a total value of ₹1,50,36,750/-. The CIT(A) was of the view that the AO could not reckon the

cost of construction at ₹74,85,950/- from the stamp document and ignore the other figure. The ITAT - in the past relied upon the valuation report relied upon by the assessee and granted relief in its order in ITA No.1571/Del./2017 on 18.03.2015. The appeal against that order (ITA No.747/2015 i.e. Principal Commissioner of Income Tax v. Anika International Pvt. Ltd.) was dismissed by this Court on 29.09.2015.

3. In these circumstances, given that the same principle has been applied for the current A.Y. 2010-11, the Court is of the opinion that no question of law arises; the appeals are, therefore, dismissed."

This Court is of the opinion that the reasoning applied for AY 2010-11 in the said appeal would equally apply to this case. No substantial question of law arises. Appeal is accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MARCH 12, 2018

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