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

\+ ITA 697/2017

COMMISSIONER OF INCOME TAX-(EXEMPTIONS)

..... Appellant

Through: Mr. Zoheb Hossain, Sr. Standing Counsel for Revenue with Mr. Deepak Anand, Jr. Standing Counsel for Revenue.

versus

VISHWESHRAIYA EDUCATIONAL TRUST ..... Respondent

Through: Mr. Pranjal Srivastava, Adv.

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

O R D E R

% **13.03.2018**

Learned counsel for the respondent/assessee informs that the issue with respect to permissibility of depreciation to a charitable institution covered by Section 10(23C), read with Section 12A of the Income Tax Act, 1961, that the Revenue is agitating in this appeal, is now covered against it by the judgment of the Supreme Court in *Commissioner of Income Tax, Pune v. Rajasthan and Gujarati Charitable Foundation,* (2017) 12 TMI 1067 (SC).

In the light of this development – which is not disputed by the Revenue's counsel, it is held that no question of law arises. The appeal is consequently dismissed.

S. RAVINDRA BHAT, J

MARCH 13, 2018/kks **A. K. CHAWLA, J**