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

\+ ITA 1165/2018

THE PR.COMMISSIONER OF INCOME TAX-5 ..... Appellant

Through: Mr. Ruchir Bhatia, Advocate.

versus

JAGSON INTERNATIONAL LTD. ..... Respondent

Through: Dr. Shashwat Bajpai, Mr. Rajiv Sakana, Mr. Shard Agarwal and Mr. Ajit Kumar Jha, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% **26.10.2018**

Learned counsel for the parties submit that the present appeal may be disposed of in terms of the order dated 1st June, 2018, passed in ITA No. 661/2018, ***The Pr. Commissioner of Income Tax-I (International Taxation) versus General Electric Power Systems INC.*** It is stated that this would be in consonance with Sections 158A and 158AA of the Income Tax Act, 1961 ('Act' for short) though these provisions are not strictly applicable.

2. The issue raised in the present appeal by the Revenue is whether a drilling rig is a qualifying ship within the meaning of Section 115VD of the Act.

3. This issue is covered by decision of the Delhi High Court dated 8th November, 2012, in ITA No. 1395/2010, ***The Commissioner of Income Tax***

New Delhi versus Jagson International Limited, against the Revenue and in favour of the respondent-assessee. Appeal against the said decision is pending before the Supreme Court as Special Leave Petition has been admitted/leave granted.

4. Counsel for the parties submit that ruling by the Supreme Court would equally apply in the present appeal.

5. Recording the above, the appeal is disposed of. In case of any *lis*/difficulty, it will be open to the parties to file an application in this appeal after decision of the Supreme Court.

SANJIV KHANNA, J.

ANUP JAIRAM BHAMBHANI, J.

OCTOBER 26, 2018

MR