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

+ ITA 99/2018 & CM APPL. 3706/2018

PRINCIPAL COMMISSIONER OF INCOME TAX-1

..... Appellant

versus

ANIKA INTERNATIONAL PVT. LTD.

..... Respondent

+ ITA 100/2018

PRINCIPAL COMMISSIONER OF INCOME TAX-1

..... Appellant

versus

ANIKA INTERNATIONAL PVT. LTD.

..... Respondent

Present: Mr. Sanjay Kumar, Jr. Standing Counsel for Revenue.
None for respondent.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **31.01.2018**

1. The question of law sought to be urged is with respect to the depreciation claimed by the assessee; the AO had added ₹1,17,51,405/-.

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.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 31, 2018
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