IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE DR.JUSTICE ANITA SUMANTH

Tax Case Appeal No.1942 of 2008

M/s. Rajapalayam Mills Ltd.
PAC Ramaswamy Raja Salai
Rajapalayam 626 117. .. Appellant

Vs.

The Assistant Commissioner of Income Tax
Circle I, Virudhunagar. .. Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal "B" Bench, Chennai, dated 31.7.2008 passed in ITA No.261/Mds/2007.

For Appellant : Ms.Akshita
For Mr.P.J.Rishikesh

For Respondent : Mr.M.Swaminathan
Senior Standing Counsel

J U D G M E N T
(Delivered by **Dr.Anita Sumanth,J**)

The assessee, who is engaged in the business of manufacturing and export of yarn and biotechnology products, has come up with the above appeal challenging an order of the Income Tax Appellate Tribunal dated

31.7.2008 relating to Assessment Year 2003-04 and the appeal has been admitted on the following substantial question of law:

> *"Whether in facts and circumstances of the case, the Tribunal was right in holding that the income earned out of sale of Waste cotton would form part of total income?"*

2. The sole issue in the appeal relates to computation of relief under Section 10B of the Income Tax Act, 1961 (in short 'Act') specifically in regard to the inclusion of income earned from the sale of cotton waste, as part of the total turnover of the appellant.

3. The issue whether the income earned from the sale of cotton waste to be included in the total turnover or not has already been decided by us on 02.01.2019, in the case of the assessee itself in TCA No.342 of 2009 for the assessment year 2005-06.

4. In view of the above, the tax case appeal is allowed in terms of the order dated 02.01.2019 made in TCA No.342 of 2009. No costs.

Index : Yes/No
Internet : Yes/No

(V.K.J.) (A.S.M.J.)
08.01.2019

kpl

To

1. The Income Tax Appellate Tribunal "B" Bench
   Chennai

2. The Assistant Commissioner of Income Tax
   Circle I, Virudhunagar.

DR.VINEET KOTHARI,J,
and
DR.ANITA SUMANTH,J

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TCA No.1942 of 2008.

08.01.2019