IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

T.C.A.Nos.574 and 779 to 782 of 2014

Commissioner of Income Tax,
Trichy. ...Appellant in all T.C.As

Versus

M/s.Saranathan Academy of Higher Education,
12, Venkateswara Nagar,
Panjapur,
Tiruchirapalli - 620 012. ...Respondent in all T.C.As

Common Prayer: Tax Case Appeals filed under Section 260 (A) of the Income Tax Act, 1961 against the order passed by the Income Tax Appellate Tribunal Madras 'D' Bench in I.T.A.Nos.1111/Mds/2013, 1112/Mds/2013, 1113/Mds/2013, 1114/Mds/2013 & 1115/Mds/2013 respectively dated 07.11.2013 and against the order of the Commissioner of Income Tax (Appeals) Tiruchirapalli dated 22.02.2013 in ITA.Nos.346/10-11, 345/10-11, 416/09-10, 199/11-12 & 200/11-12 respectively and against the order of the Assistant Commissioner of Income Tax (Circle IV) Trichy in PA/GIR.No.AAETS6115N for the Assessmbly years 2005-06, 2006-07 & 2007-08 respectively dated 21.12.2020 and for the Assessment Years 2008-09, 2009-10 dated 23.12.2011 respectively.

For Appellant in all T.C.As : Mr.J.Narayanasamy

For Respondent in all T.C.As : Mr.Sriram
for Mr.S.Sridhar

COMMON JUDGMENT
(Judgment of the Court was delivered by R.MAHADEVAN, J.)

All these Tax Case Appeals have been preferred by the appellant/revenue against the order of the Tribunal, relating to the respective assessment years 2005-06, 2006-07, 2007-08, 2008-09 & 2009-10.

2.On 10.11.2014, all these Tax Case Appeals were admitted on the following substantial question of law:

> "Whether on the facts and in the circumstances of the case, the Income Tax Appellate Tribunal was right in holding that the assessee is entitled to claim depreciation on the assets even though the cost of purchase of asset was already treated as application of income under Section 11?"

3.Today, when these Tax Case Appeals were taken up for hearing, the learned counsel on either side submitted in unison that the identical substantial question of law has been answered against the Revenue by the Hon'ble Supreme Court in CIT v. Rajasthan and Gujarati Charitable Foundation [[2018] 402 ITR 441 (SC)]. Following the said decision, TCA.Nos.680 and 681 of 2011 filed by the Revenue raising the similar question of law, were dismissed, by judgment dated 26.08.2019.

4.In view of the above submission, the substantial question of law raised herein is answered against the appellant/Revenue and all the Tax Case Appeals stand dismissed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The Income Tax Appellate Tribunal 'D' Bench,
   Chennai.

2. The Commissioner of Income Tax (Appeals)
   Trichy.

3. The Assistant Commissioner of Income Tax (Circle IV)
   Trichy.

+1cc to M/s.S.Sridhar, Advocate, S.R.No.37578

T.C.A.Nos.574 and 779 to 782 of 2014

AJS(CO)
RGA(26/07/2022)