

2023:PHHC:118959-DB

ITA-348-2008 (O&amp;M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

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ITA-348-2008 (O&M)  
Date of Decision:-11.09.2023

M/S NAHAR SPINNING MILLS

.....Appellant

Versus

C. I. T.

.....Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI****HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. B.M. Monga, Advocate and  
Mr. Rohit Kaura, Advocate for the appellant.

Ms. Gauri Neo Rampal, Senior Standing  
Counsel for the respondent.

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**RITU BAHRI, J. (Oral)**

1. The appellant- M/S NAHAR SPINNING MILLS Ltd. has filed this appeal under Section 260-A of the Income Tax Act, 1961 against the order dated 5.11.2007 passed by the Income Tax Appellate Tribunal, Chandigarh for the assessment year 1998-1999. The appellant was claiming the benefit of Section 80-HHC of the Income Tax Act 1961 and the claim was rejected by the Tribunal on the ground that he was supposed to file a revised return to claim the above said benefit.

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2. Learned counsel for the appellant has placed on record an order passed by the Income Tax Appellate Tribunal i.e. Annexure P-6 in the case of this very appellant for the assessment year i.e. 2003-04, whereby the benefit of Section 80-HHC has been allowed without insisting on the filing of the revised return.

3. Learned counsel for the appellant has further referred to the Division Bench Judgment passed by this Court in the case titled as ***“Commissioner of Income-tax, Jalandhar-I Vs. Ramco International, (2011) 332 ITR 306 (Punjab and Haryana High Court)”***, where the appeal filed by the Revenue was dismissed on the ground that there was no requirement of filing any revised return for the Assessee to claim the benefit under Section 80-IB. The provisions of Section 80-IB is similar to Section 80-HHC.

4. Per contra, learned counsel for the respondent has also referred to the judgment of Hon'ble Supreme Court in case titled as ***M/s Magnum International Trading Company (P) Ltd. Vs. Commissioner of Income Tax, Delhi IT in Civil Appeal No.7751 of 2012***, wherein it has been held that the income by way of interest in the assessment years being taxable under the head “income from other sources” would be compulsorily exclude, for the purpose of computation of the deduction under Section 80-HHC (3) of the 1961 Act.

5. Since, this issue has already been decided by the Hon'ble Supreme Court. In the present case, keeping in view that the Tribunal has already aid for the subsequent years given this welfare to the appellant, the present appeal stands allowed, in the same terms as Annexure P-6.

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6. Pending miscellaneous application(s), if any, shall stand disposed of.

(RITU BAHRI)  
JUDGE

(ALOK JAIN)  
JUDGE

September 11, 2023  
*Parul*

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |