IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

Tax Case Appeal No.3 of 2016

Shriram Equipment Finance Company Limited
Mookambika Complex, No.4, Lady Desika Road
Mylapore, Chennai 600 004. .... Appellant

Vs.

Deputy Commissioner of Income Tax
Corporate Circle 6(1), 121, MG Road
Chennai 600 034. .... Respondent

Tax Case Appeal filed under Section 260A of the Income Tax Act, 1961 against the order of the Income Tax Appellate Tribunal, 'A' Bench Chennai, dated 25.06.2015 made in I.T.A.No.576/Mds/2015.

For Appellant : Mr.R.Sivaraman
For Respondent : Mr.K.Narayanaswamy

J U D G M E N T
(Delivered by R.SURESH KUMAR, J.)

This Tax Case Appeal has been filed by the assessee calling in question the correctness of the order passed by the Income Tax Appellate Tribunal, 'A' Bench, Chennai by raising the following substantial questions of law:

1. *Whether on the facts and in the circumstances of the case, the appellate Tribunal was right in holding that there has been no diversion of income by overriding charge in respect of amount set apart as per RBI Act in compliance with the mandatory provisions of Section 45IC read with Section 45Q of RBI Act?*
2. *Whether on the facts and in the circumstances of the case, the Tribunal was right in holding that the amount set apart in compliance with the provisions of Reserve Bank of India Act, 1934, by the appellant from its income, is not an allowable deduction in computing the assessable income under the provisions of Income Tax Act, 1961 both in regular computation and under Section 115JB?*

2. When this matter is taken up for final hearing, both the learned counsel for the appellant / assessee as well as the learned Standing Counsel for the respondent / revenue submit that the issue raised in this tax case appeal is covered by the decision of a Division Bench of this Court in T.C.A.No.755 of 2009 etc., batch dated 30.06.2022. They further submit that the issue has been widely discussed and decided in page numbers 29 to 43 of the said judgment.

3. In view of the decision that has been taken in the said batch of cases by judgment dated 30.06.2022, where the questions of law have been decided in favour of the Revenue and against the assessee, as the issue raised in the

present tax case appeal is covered by the said decision, this appeal is also disposed of by deciding the questions of law in favour of the Revenue and against the assessee. Therefore, the tax case appeal deserves to be dismissed and it is accordingly dismissed. No costs.

(R.S.K.,J.) **(C.S.N.,J.)**
19.11.2024

NCS : Yes/No
KST

To

The Income Tax Appellate Tribunal
'A' Bench, Chennai.

R.SURESH KUMAR, J.

AND
C.SARAVANAN, J.

KST

T.C.A.No.3 of 2016

19.11.2024