IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-02-2025**

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

THE HONOURABLE MR JUSTICE C. SARAVANAN

TC (A) NO. 1253 of 2007

Commissioner Of Income
Tax Chennai.

Appellant

Vs

M/s Seven Seas Distillery
Ltd No 1, Ramakrishna Street Kences Enclave V Block Vii
Floor T. Nagar Chennai- 17.

Respondent

For Appellant: Mr.J.Narayanasamy, Sr.SC
For Respondent: Mr.G.Baskar
For M/s.Mallika Srinivasan

<u>JUDGMENT</u>

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

This appeal is directed against the formal order of the Income Tax Appellate Tribunal dated 10.01.2007 in ITA No. 672/Mds /2000. In this appeal the appelalnt has raised the following substantial question of law to be answered;

"1.Whether in the facts and circumstances of the case, the Tribunal was right in holding that the assessee is entitled to depreciation even in respect of that part of the cost that was not paid to the vendor even after three years?
2.Whether in the facts and circumstances of the case, "actual cost" for the purpose of grant of depreciation would consist even of that part of the purchase price which is not paid, and not intended to be paid?"

2. Learned senior standing counsel appearing for the appellant submitted that the amount involved in the present appeal is below the monetary limit as per the circulars issued by the Government of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes in Circular No. 5/2024 and 09/2024 dated 15.03.2024 and 17.09.2024 respectively.

3. In view of the aforesaid submissions made by the learned senior standing counsel for the appellant, the appeal is dismissed. However, the substantital question of law is left open to be answered at an appropriate appeal. No costs.

(S.S.SUNDAR J.) (C.SARAVANAN J.)

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Index : Yes
Internet : Yes/No
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S.S.SUNDAR,J.

C.SARAVANAN, J.

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