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ITA/405/2008
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (INCME TAX)
ORIGINAL SIDE

M/S. GRAPHITE INDIA LIMITED
VS
COMMISISONER OF INCOME TAX - IV

BEFORE:
The Hon'ble JUSTICE RAJARSHI BHARADWAJ
-AND-
The Hon’ble JUSTICE UDAY KUMAR
Date: 9th January, 2026.

Appearance:
Mr. J. P. Khaitan, Sr., Adv.
Mr. Somak Basu, Adv.
Mr. Swagato Kabiraj, Adv.
. . .for the appellant.

Mr. Aryak Dutt, Adv.
Mr. Madhu Jana, Adv.
. . .for the respondent.

The Court: Learned counsel appearing for the appellant refers to the substantial question of law that was admitted on 06.08.2008 by an order passed by their Lordships Hon’ble Justice Pinaki Chandra Ghose and Hon’ble Justice Sankar Prasad Mitra. The substantial question of law is as follows:

"Whether on the facts and in the circumstances of the case and in law, the Tribunal was right in holding that deduction allowed u/s. 80IA of the Act needs to be reduced while computing Profits of the Business eligible for deduction u/s. 80HHC of the Act?"

Learned senior counsel Mr. Khaitan submits that the issue is already covered by the judgment of the Hon'ble Supreme Court of India in Shital Fibers Ltd. Versus Commissioner of Income Tax, reported in [2025] 476 ITR 309 (SC).

Learned counsel appearing for the respondent/department on instruction agrees with the submission made by the appellant.

As such, in view of the judgment of the Supreme Court in Shital Fibers Ltd. (Supra), this Court holds the substantial question of law to be in negative and in favour of the assessee.

The appeal being ITA No. 405 of 2008 is disposed of.

(RAJARSHI BHARADWAJ, J.)

(UDAY KUMAR, J.)

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