



IN THE HIGH COURT OF DELHI

ITR No.296/81

Date of Decision: 16.01.2001

Commissioner of Income-tax Petitioner
Delhi-II

Through: Mr. R.D.Jolly
with Mr. Ajay Jha,
Advocates.

VERSUS

M/s Projects & Equipment Respondent
Corporation of India Ltd.

Through: None.

CORAM:

THE HON'BLE MR. JUSTICE ARIJIT PASAYAT, CHIEF JUSTICE
THE HON'BLE MR. JUSTICE D.K.JAIN

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?

Arijit Pasayat, C.J.(Oral)

At the instance of revenue, following question has been referred for opinion of this Court under Section 256(1) of the Income-tax Act, 1961(for short the 'Act') by the Income-tax Appellate Tribunal, Delhi Bench 'D', New Delhi(for short the 'Tribunal'):

"Whether on the facts and in the circumstances of the case, the Tribunal was justified in law in holding that the expenditure amounting to Rs.59,739/- is not covered by Section 37(2B) of Income-tax Act, 1961 and also in allowing the weighted deduction u/s 35B on the said amount?"

2. We have heard learned counsel for revenue. There is no appearance on behalf of assessee in spite

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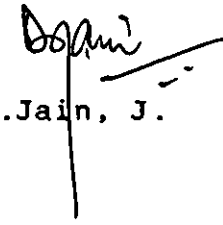
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of notice. We need not go into the factual aspects in view of decisions of this Court in ITR Nos. 123/81 and 225-226/81, disposed of on 28th November, 1996. In view of the reasoning indicated in the said decisions we answer the question relating to Section 37(2B) of the Act in favour of assessee and against the revenue and the question relating to weighted deduction under Section 35B of the Act in favour of revenue and against the assessee.

The reference stands disposed of accordingly.



Chief Justice



D.K.Jain, J.

16th January, 2001

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