



| Sr. No. | Date | Orders  |
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|         |      | <p>26.4.2004</p> <p>Present: Mr. R D Jolly with Mr. Rajeev Awasthi for the appellant.<br/>Mr. V N Jha for the respondent.</p> <p><u>ITR NO. 25/99 &amp; ITA NO. 83/99</u></p> <p>These two proceedings are disposed of together as the same question of law is raised. In ITR No. 25/99, the question which is raised is as under :-</p> <p>“Whether the ITAT was correct in law in allowing the assessee's claim of depreciation @ 40% on leased out vehicles when the assessee was not carrying on any business of running such vehicles on hire, but had only leased out such vehicles ?”</p> <p>In ITA NO. 83/99, the question raised is as under :-</p> <p>“Whether ITAT was correct in law in allowing the claim of assessee company for depreciation at the higher rate of 40% on leased vehicles ?”</p> <p>By decision of this Court reported in 259 ITR 69 titled <u>COMMISSIONER OF INCOME-TAX VS. BANSAL CREDITS LTD.</u> this Court has settled the issue raised herein and, therefore, the question is required to be answered in favour of the assessee and against the Revenue. Against the said decision, a Special Leave Petition was preferred and the same has been rejected by the Apex Court by an order reported in 263 ITR Statutes 2.</p> |



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|         |      | <p data-bbox="582 324 1189 392">The questions are answered accordingly.</p> <p data-bbox="1077 392 1348 526"><i>sat</i><br/>CHIEF JUSTICE</p> <p data-bbox="1029 526 1508 660"><i>sat</i><br/>BADAR DURREZ AHMED, J.</p> <p data-bbox="406 582 662 672">APRIL 26, 2004<br/>PC.</p> |

*Smiler order has been signed in ITR No 25/99. 28/4*