



THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 11.12.2008

+ **ITA 571/2008****RANBAXY LABORATORIES LTD.**

... Appellant

- versus -

**THE COMMISSIONER OF INCOME TAX
NEW DELHI**

... Respondent

Advocates who appeared in this case:

For the Appellant : Mr Ajay Vohra with Ms Kavita Jha and Mr Sriram Krishna
 For the Respondent : Ms Rashmi Chopra

CORAM:-**HON'BLE MR JUSTICE BADAR DURREZ AHMED****HON'BLE MR JUSTICE RAJIV SHAKDHER**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in Digest ?

BADAR DURREZ AHMED, J (ORAL)

1. Admit.
2. The following substantial question of law arises for the consideration of this Court:-

- (1) Whether on the facts and circumstances of the case the Income Tax Appellate Tribunal erred in law in denying deduction under Section 80IA of the Income Tax Act, 1961 on duty drawback and profit on sale of REP licences?



3. We find that this question has been recently considered in the context of Section 80IB of the Income Tax Act in ***CIT v. Dharampal Prem Chand Limited: ITA 1441/2006*** decided on 27.11.2008. We can dispose of this question straightaway. We find that the language employed in Section 80IA and 80IB, in the context of the question raised above, is virtually identical. Following the view that we have taken in ***Dharampal Prem Chand (supra)***, the question raised above, is answered in favour of the assessee and against the revenue.

To that extent the impugned order is set aside. The appeal stands allowed to this extent.

BADAR DURREZ AHMED, J

RAJIV SHAKDHER, J

December 11, 2008
SR