



9

% 23.12.2009

Present: Mr. Sanjeev Sabharwal, Adv. for the appellant

+CM No. 17920/2009 in ITA No. 1397/2009

* Allowed, subject to all just exceptions.

ITA No. 1397/2009

Issue sought to be raised in this appeal has already been decided against the Revenue in the case of assessee itself in ITA No.1236/2009 which was dismissed vide order dated 1.12.2009 in the following manner.

“The issue is as to whether the interest received for delayed payments by the customers of the assessee would be treated as business income eligible for deduction under Section 80HHC of the Income Tax Act has been decided on 30.11.2009 by this Court in batch matters with lead case, viz., ITA No.804 of 2007.

Therefore, no question of law arises for consideration. This appeal is accordingly dismissed.

No doubt, for giving effect to this order, matter has to go back to the Assessing Officer who has to revive the assessment order treating the aforesaid income as business income. This direction has already been given by the CIT(A) and affirmed by the Income Tax Appellate Tribunal. We clarify that the AO while doing so, shall keep in mind the provisions of Explanation (baa) to Section 80 HHC of the Act.”



No question of law arises.

Dismissed.

A handwritten signature in black ink, appearing to read 'A.K. Sikri'.

A.K. SIKRI, J.

A handwritten signature in black ink, appearing to read 'Siddharth Mridul'.

SIDDHARTH MRIDUL, J.

December 23, 2009

aj