



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

**ITR 21 OF 1992**

% Date of Decision: August 16,2010

**COMMISSIONER OF INCOME TAX** ..... **Appellant**

Through Mr. Sanjeev Sabharwal, Advocate

Versus

**M/S J.K. SYNTHETICS LTD.** ..... **Respondent**

Through Mr. P.N. Monga, Advocate with  
Mr. Maua Monga, Advocate

**CORAM :-**

**HON'BLE MR. JUSTICE A.K. SIKRI**  
**HON'BLE MS. JUSTICE REVA KHETRAPAL**

1. Whether Reporters of Local newspapers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the Judgment should be reported in the Digest?

**A.K. SIKRI, J (Oral)**

1. The question is as to whether the assessee should have been allowed depreciation @ 15% on plants used in manufacturing of cement and packaging of cement etc. or @ 10% as done by the Assessing Officer. The Income Tax Appellate Tribunal allowed the depreciation @ 15% as was done in the previous years as well. This is clear from the following:-

“Here we find that this issue was considered by the Tribunal in the assessee’s own case in earlier year. The CIT (Appeals) has allowed depreciation at the rate of 15% on the plant and machinery of the assessee on the basis of the decision of the Tribunal for the assessment years 1975-76 to 1983-84, in I.T.A. Nos. 715 (del) of 85 and 795 (Del) of 87. Respectfully following the decision of the Tribunal, we are of the opinion that no interference is called for”



2. Mr. Monga informs that in respect of assessment year 1975-76 the reference was returned unanswered in ITR 286/1987 because of insubstantial tax effect. This case relates to the assessment year 1977-78 and, therefore, same reasons apply for this assessment year as well.
3. Accordingly, we return this reference answered.

**(A.K. SIKRI)  
JUDGE**

**(REVA KHETRAPAL)  
JUDGE**

**AUGUST 16, 2010**  
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