



12.
15.09.2011

Present: Mr. Sanjeev Sabharwal, Adv. for the appellant.
Mr. M.S. Syali, Sr. Adv. with Mr. Rahul Satija, Advocate
for the Respondent.

+ I.T.A.No.667/2007
*

The present appeal pertains to Assessment Year 1997-98.
The question of law proposed in appeal for consideration of this
Court is as follows:-

*Whether the ITAT was correct in law in allowing the claim of
depreciation made by the assessee in the sum of
Rs.1,74,11,000/- in respect of purchase and lease back
transaction entered into by the assessee with M/s Asian
Electronics Ltd.?*

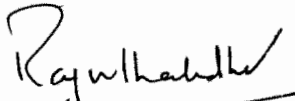
After hearing learned counsel for the parties, we agree that
the aforesaid question ought to be admitted. It is ordered
accordingly.

Learned counsel for the parties also agree that the said
question of law is covered by the judgment of the Supreme Court
in CIT Vs. Shaan Finance Pvt. Ltd. (1998) 231 ITR 308, and by a
Division Bench judgment of this Court in ITA No.1404/2008
delivered on 18.07.2011 titled Commissioner of Income Tax Vs.
Cosmo Films Ltd.



The question of law is, accordingly, answered in the affirmative and against the Revenue. The appeal is disposed of in the aforesaid terms.


SANJAY KISHAN KAUL, J.


RAJIV SHAKDHER, J.

SEPTEMBER 15, 2011
anb