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THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 13.09.2011

Judgment delivered on: 04.11.2011

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ITA No. 629/2011

COMMISSIONER OF INCOME TAX

..... APPELLANT

Vs

M/S AMWAY INDIA ENTERPRISES PVT. LTD.

..... RESPONDENT

Advocates who appeared in this case:

For the Appellant: Mr Abhishek Maratha and Ms. Anshul Sharma

For the Respondent: Mr M.S. Syali, Sr. Advocate with Ms Mahua Kalra, Ms. Husnal Syali and Mr. Rahul Sateerja

CORAM :-

HON'BLE MR JUSTICE SANJAY KISHAN KAUL**HON'BLE MR JUSTICE RAJIV SHAKDHER**

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

RAJIV SHAKDHER, J

1. The captioned appeal pertains to the assessment year 2005-2006. In this appeal, the following issue arises for consideration :-

Whether expenses incurred in the sum of Rs.28,77,270/- incurred on improvement of leasehold premises were in the nature of capital expenditure? If so, whether the Income Tax Appellate Tribunal (in short, the 'Tribunal') erred in



remanding the matter to the Assessing Officer for verification of the expenses incurred.

2. As regards this Issue the expenses incurred towards improvement of leasehold premises which were situated at Mumbai, Bangalore, Calcutta (now Kolkata) and Delhi were as follows:

Nature of Work	Amount (Rs.)
Civil work, Plumbing, Sanitary Work (i.e., Granite Flooring, tiling of walls, bathroom fittings, installation of soap dispenser, paper holder etc.)	307,180/-
Interior work (i.e., False ceiling, partitions, flush door, sliding door, vertical blind etc.)	1,304,569/-
Wooden furniture	5,04,376/-
Finishing Work (i.e., painting, POP etc.)	1,94,001/-
Electrical work: Installation of switches, laying down wires & cables, earthing, LAN etc.	8,26,827/-
Panel work	414,029/-
Lights, Speakers, Exhaust fan, halogen, Light, etc.	119,133/-
Archietctural consultancy	1,25,560/-
Neonsign Board	60,400/-
Total	38,56,075/-

3. The Tribunal sustained the adjudication made by CIT(A) wherein he had held that expenditure made on account of wooden furniture (Rs. 5,04,376/-), panel work (Rs. 4,14,029/-) and



neosign Board (Rs 60,400/-) aggregating to total of Rs. 9,78,805

as capital in nature and the remaining expense, aggregating to total of Rs 28,77,270/- as revenue expenditure.

4. We find this issue is covered by our judgment in the case of Commissioner Of Income Tax Vs M/s Amway India Enterprises in ITA Nos. 1344/2009 and 1363/2009.

5. In view of the above, no question of law arise for our consideration and accordingly, the appeal is dismissed. There shall, however, be no order as to costs.

RAJIV SHAKDHER, J

SANJAY KISHAN KAUL, J

NOVEMBER 04, 2011
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