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

+ ITA 46/2012  
 + ITA 9/2012  
 + ITA 11/2012

*Date of decision: 16<sup>th</sup> February, 2012*

CIT ..... Appellant

Through: Mr. Sanjeev Rajpal, Adv.

versus

SHRIRAM PISTONS & RINGS LTD ..... Respondent

Through: Mr. Ajay Vohra with Ms. Kavita Jha  
 & Mr. Vijay Kumar Punna

**CORAM:**

**HON'BLE MR. JUSTICE SANJIV KHANNA**

**HON'BLE MR. JUSTICE R.V.EASWAR**

**SANJIV KHANNA, J.: (ORAL)**

**C.M. APPL. No.805/2012 (for exemption) in ITA No.46/2012**

Exemption allowed subject to all just exceptions.

The application stands disposed of.

**ITA 46/2012, ITA 9/2012 & ITA 11/2012**

1. These appeals by the Revenue pertain to the assessment years 2005-06, 2006-07 & 2007-08 and impugn the order dated 31.05.2011 passed by the Income Tax Appellate Tribunal (tribunal, for short).
2. Two questions of law have been raised in these appeals. The first



question relates to payment of commission. We have not admitted the appeal of the revenue on the said aspect for the assessment year 2004-05, in ITA No. 45/2012 vide order dated 16<sup>th</sup> February, 2012. For the same reasons we are not inclined to admit the present appeal on the said question.

3. However, on the second question, we are inclined to admit the present appeal. The following substantial question of law is framed: -

“Whether Income Tax Appellate Tribunal was right in holding that the expenditure for total productivity maintenance programmes and obtaining ISO 9001 was revenue expenditure and not capital expenditure?”

4. To be listed in due course. Liberty is granted to the parties to file documents or material, which were filed before the authorities/tribunal within a period of 8 weeks from today.

**SANJIV KHANNA, J**

**R.V.EASWAR, J**

**FEBRUARY 16, 2012/hs**