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

+ **ITA 363/2023 & CM APPL. 34723/2023**

PMV MALTINGS PVT LTD

..... Appellant

Through: Mr Satyen Sethi and Mr Arta Trana
Panda, Advs.

versus

DY. COMMISSIONER OF INCOME TAX,
CIRCLE 19(1) & ANR.

..... Respondents

Through: Mr Aseem Chawla, Sr Standing
Counsel with Ms Pratishta
Chaudhary and Mr Aditya Gupta,
Advs.

+ **ITA 366/2023 & CM APPL. 34732/2023**

PMV MALTINGS PVT LTD

..... Appellant

Through: Mr Satyen Sethi and Mr Arta Trana
Panda, Advs.

versus

DY COMMISSIONER OF INCOME TAX,
CIRCLE 19(1) & ANR.

..... Respondents

Through: Mr Aseem Chawla, Sr Standing
Counsel with Ms Pratishta
Chaudhary and Mr Aditya Gupta,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

12.07.2023

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[Physical Hearing/Hybrid Hearing (as per request)]



CM No.34723/2023 in ITA 363/2023

CM No.34732/2023 in ITA 366/2023

1. Allowed, subject to the appellant filing legible copies of the annexures, at least three days before the next date of hearing.

ITA 363/2023

ITA 366/2023

2. The above-captioned appeals concern Assessment Year (AY) 2016-17 [ITA No.363/2023] and AY 2015-16 [ITA No.366/2023].

3. Admit.

4. The following question of law is framed for the consideration of this court:

Whether disallowance of depreciation claimed on goodwill under Section 32, *albeit* post demerger was sustainable in law?

5. That goodwill was eligible for depreciation in the period in issue is sought to be supported by the judgment of the Supreme Court rendered in *CIT vs. Smiff Securities Ltd.*, (2012) 348 ITR 302. SC

6. List the above-captioned appeals on 10.01.2024.

7. In the meanwhile, learned counsel for the parties will file their written submissions, not exceeding three (3) pages each, at least three (3) days before the next date of hearing.

RAJIV SHAKDHER, J

GIRISH KATHPALIA, J

JULY 12, 2023

aj

ITA 363/2023 & 366/2023

[Click here to check corrigendum, if any](#)

page 2 of 2