



\$~54

\*

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

+

**ITA 496/2022&CM Nos.51842-43/2022**

PRINCIPAL COMMISSIONER OF  
INCOME TAX, DELHI-4

..... Appellant

Through: Mr Sunil Agarwal, Sr. Standing  
Counsel and Mr Tushar Gupta, Jr.  
Standing Counsel with Mr Utkarsh  
Tiwari, Adv.

*versus*

M/S INDO RAMA SYNTHETIC (INDIA) LTD. .... Respondent

Through: Mr Samarth Chaudhari and Mr Rohit  
Jain, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

**01.12.2022**

%

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

**CM No.51843/2022**

1. This is an application filed on behalf of the appellant seeking condonation of delay in re-filing the appeal.

1.1 According to the appellant/revenue, there is a delay of 74 days.

2. The prayer made in the application is not opposed by learned counsel for the respondent/assessee.

3. Accordingly, the prayer made in the application is allowed.

4. The delay in re-filing the appeal is condoned.

5. The application is, accordingly, disposed of.

ITA 496/2022

page 1 of 3



**CM No.51842/2022**

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

**ITA 496/2022**

7. Mr Sunil Agarwal, who appears on behalf of the appellant/revenue, says that the question of law arising in the instant appeal has also arisen in another appeal i.e., ITA No.392/2014.

8. Accordingly, the instant appeal is admitted. The following question of law is framed:

*“Whether the Income Tax Appellate Tribunal was right in holding that sales tax subsidy received in the form of incentive pursuant Resolution dated 07.05.1993 issued under the Package Scheme of Incentives Scheme, 1993 was capital receipt and not revenue receipt?”*

9. Learned counsel for the parties will file their written submissions, not exceeding three pages each, at least five days before the next date of hearing.

10. Learned counsel for the parties will also file the record of the case placed before the statutory authorities.

12. List the matter on 27.07.2023, at the end of “After Notice Miscellaneous Matters” along with ITA No.392/2014 and connected matters i.e., ITA Nos.392-398/2014, 432/2014 and 443/2022.

13. The Registry will also issue notice to the counsel for the respondents/assesseees in the connected appeals.



14. A copy of the order passed today will accompany the notice.

**RAJIV SHAKDHER, J**

**TARA VITASTA GANJU, J**

**DECEMBER 1, 2022**

aj

*Click here to check corrigendum, if any*

ITA 496/2022

page 2 of 3