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

+ **ITA 504/2022 & CM APPL. 52241-42/2022**

KRISHAK BHARTI COOPERATIVE LTDAppellant

Through: Ms Surekha Raman, adv.

versus

**ASSISTANT COMMISSIONER OF INCOME
TAX**

.....Respondent

Through: Mr Abhishek Maratha, Sr. Standing
Counsel.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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02.12.2022

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

CM APPL. 52241/2022

1. Allowed, subject to just exceptions.

CM APPL. 52242/2022

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

ITA 504/2022

3. This appeal is directed against the order dated 26.07.2022 passed by the Income Tax Appellate Tribunal concerning Assessment Year (AY) 2015-2016.

ITA 504/2022

Page 1 of 2



4. The issue which arises for consideration is: whether lump sum payment made towards lease premium should be treated under capital expenditure?

5. Ms Surekha Raman, learned counsel for the appellant/assessee, has fairly placed before us, an order of the coordinate bench of this Court dated 29.07.2022 in ITA No. 236/2022.

5.1 The coordinate bench, following the decision dated 12.07.2012 rendered by another coordinate bench in ITA No. 205/2010 titled ***KrishakBharti Cooperative Vs. Deputy Commissioner of Income Tax*** has dismissed the appeal.

6. We have been informed by Ms Surekha Raman, that a Special Leave Petition (SLP) i.e., SLP(C) No. 19399/2016 has been preferred *vis-a-vis* the decision rendered by the coordinate bench of this Court in ITA No. 205/2010, which is pending consideration.

7. Accordingly, the instant appeal is closed, with a *caveat*, that if the Supreme Court was to reach a different conclusion, parties will abide by the decision so rendered.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

DECEMBER 2, 2022/SA

Click here to check corrigendum, if any