Pr. Commissioner of Income Tax v. Jai Prakash Power Ventures Ltd.

Income Tax Appeal No.74 of 2017

Supplied court judgment; no neutral citation stated | 2018-04-25

Six questions disposed of separately: four treated as covered by cited decisions; one left with the authority on an existing remand and tariff-fee reimbursement remanded to ITAT.

115JB | 80-IA

Division Bench | Sanjay Karol | Sandeep Sharma

01 FACTS OF THE CASE

Revenue raised six questions concerning Advance Against Depreciation in book profit, diminution in assets, leave encashment, bonus provisions and sundry balances written back, HPSEB interest, and reimbursement of tariff application fee. No assessment year or disputed amount is supplied.

Source: PDF pp.1–2

02 DISCUSSION BY THE HON'BLE COURT

Questions (i) and (ii) were treated as covered by NHPC, (2010) 320 ITR 374 (SC); question (iii) by H.P. Tourism Development Corporation, ITAs 28 and 29/2012, 16 May 2013; and question (v) by Jai Prakash Hydro Power Ventures, ITAs 1/2014, 4015/2013 and 3/2014, 15 May 2017. Question (iv) already stood remanded by the appellate authority to the AO. ITAT had not addressed question (vi).

Source: PDF pp.3–4

03 JUDICIAL DECISION

Question (iv) was left for the appropriate authority dealing with the existing remand. On question (vi) alone, the matter was remanded to ITAT for consideration and decision. Parties undertook cooperation and appearance before ITAT on 24 May 2018. Questions were answered accordingly and the appeal and pending applications disposed of.

Source: PDF pp.3–4

04 OUTCOME / IN WHOSE FAVOUR

This is a question-specific disposal rather than a blanket allowance or rejection of every tax issue. No final tariff-fee or bonus-write-back entitlement or resulting tax computation is recorded.

Source: PDF pp.3–4

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05 EXPERT COMMENTS

A six-question map is essential to preserve the actual result — The first two questions concern Advance Against Depreciation and the third leave encashment in the book-profit computation. The fourth, fifth and sixth concern different receipts or reversals in the power-generation deduction context. The Court did not send all six issues back to one authority. A summary presenting a general remand, or stating that every receipt was finally held eligible for deduction, would erase the distinctions expressly made in paragraphs 2 to 6. (Source: PDF pp.1–4).

Covered questions are identified by their precise cited precedents — The Court recorded that the first two questions, the third question and the fifth question were respectively covered by the three identified decisions, and that this was undisputed. This note records that treatment without inventing fresh reasoning or restating unexamined extracts from those other judgments. For a different dispute, the complete cited decision and relevant year-specific facts would need to be considered. The supplied four-page order alone does not reproduce their full ratios or establish present subsequent treatment. (Source: PDF pp.3–4).

The fourth and sixth questions have different procedural destinations — The bonus-provision and sundry-balance question did not arise for consideration because an appellate remand to the AO already existed; the appropriate authority dealing with that remand was to consider it. By contrast, tariff-fee reimbursement was expressly remanded to ITAT because the Tribunal had not addressed it. Treating both directions as a fresh AO remand would misstate the order. Neither direction dictates the answer on eligibility after the relevant authority hears the issue. (Source: PDF pp.3–4).

The hearing undertaking does not establish the later decision — The parties undertook to cooperate and appear before ITAT on 24 May 2018. That is the historical procedural timetable recorded for the limited Tribunal remand, not evidence of an eventual allowance, disallowance or compliance event. The source supplies no later order, assessment year or quantified effect. The respondent's caption is Jai Prakash Power Ventures Ltd.; the differently styled Hydro Power Ventures case is a cited precedent, not a basis to replace the present party's name or merge distinct appeals. (Source: PDF p.4).

Source: PDF pp.1–4

SOURCE & VERIFICATION

Original court judgment / order

Full original read; every original page visually inspected.

STATUTORY SCOPE

Provisions and historical figures are recorded only as addressed in this judgment. No current statutory position or subsequent-treatment clearance is represented.

LATER TREATMENT

Appeal, review, recall and stay status has not been independently confirmed.

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