IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA No.300 of 2007

Date of decision 18 . 9 .2007

The Commissioner of Income Tax, Rohtak .. Appellant

Versus

M/s United Pharma International Ltd. .. Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

PRESENT: Mr. Yogesh Potney, Advocate for Revenue

M.M.Kumar, J.

The revenue has filed the instant appeal under Section 260 A of the Income Tax Act, 1961 challenging order dated 18.11.2005 passed by the Income Tax Appellate Tribunal, Delhi Bench 'E' passed in ITA No. 802/Del/2000 in respect of the assessment year 1994-95. It has been claimed that the following question of law would arise for the determination of this Court:

> " Whether on the facts and in the circumstances of the case Hon'ble ITAT was right in law in directing the Assessing Officer to grant depreciation at Rs.16,42,401/- for increase in cost of liability due to capitalisation of foreign exchange rate fluctuation at Rs. 51,74,222/- when section 43A of the Act was not applicable to the facts of the case ?"

The matter is no longer *res-integra*. A Division Bench of this Court in the case of Commissioner of Income tax. v. M/s United Pharma Industries Ltd. (ITA No.20 of 2001 decided on 24.7.2007) has already decided similar questions of law in favour of the assessee and against the revenue.

Accordingly, the present appeal is also dismissed.

(M.M.Kumar)
Judge

(Ajay Kumar Mittal)
Judge

18 .9.2007
okg