

**(2005) 02 P&H CK 0040**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** IT Reference No. 86 of 1987 10 February, 2005

Commissioner of Income Tax

APPELLANT

Vs

Kansal Hosiery Works

RESPONDENT

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**Date of Decision:** Feb. 10, 2005

**Acts Referred:**

- Income Tax Act, 1961 - Section 80J

**Citation:** (2006) 153 TAXMAN 40

**Hon'ble Judges:** Sarish Kumar Mittal, J; N.K. Sud, J

**Bench:** Full Bench

**Advocate:** D.S. Patwalia, for the Appellant;

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### **Judgement**

@JUDGMENTTAG-ORDER

N.K. Sud, J.

At the instance of the revenue, the Income Tax Appellate Tribunal, Chandigarh Bench, Chandigarh (for short "the Tribunal") has referred the following question of law arising out of its order dated 27-12-1985 relating to assessment year 1979-80 for the opinion of this court :

"Whether on the facts and in the circumstances of the case, the Tribunal was right in upholding the order of the Commissioner (Appeals) that the assessee was entitled to deduction u/s 80J on the capital employed in the branch industrial undertaking as computed at Rs. 8,06,325 and not taking the partners capital and borrowed capital at the head office proportionately?"

2. Identical question had come up for consideration by this court in assessee's own case - [Commissioner of Income Tax Vs. Kansal Hosiery Works](#), for the earlier assessment year and the same was answered in favour of the revenue and against the assessee.

3. Respectfully following the ratio of the aforesaid case, the present reference is also answered in the negative, i.e., in favour of the revenue and against the assessee.