

K.K. Doshi and Co. Vs Commissioner of Income Tax

Court: Supreme Court of India

Date of Decision: Oct. 25, 2007

Acts Referred: Income Tax Act, 1961 &" Section 80HHC

Hon'ble Judges: V. S. Sirpurkar, J; H. S. Bedi, J; Ashok Bhan, J

Bench: Full Bench

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

1. The main point in this appeal is as to whether the amendment to Section 80HHC of the Income Tax Act, 1961, brought about by the Finance

(No. 2) Act, 1991, with effect from 1-4-1992, is prospective in nature or is retrospective.

2. This Court in the case of P. R. Prabhakar v. CIT, relying upon Circular No. 621 19-12-1991, issued by the Central Board of Direct Taxes

(CBDT), has held that the amendment in question is prospective in nature and the same is binding on the revenue.

3. In view of Circular No. 621 19-12-1991 issued by the Central Board of Direct Taxes and the aforesaid judgment of this Court, these appeals

are accepted and the orders passed by the High Court of Bombay are set aside leaving the parties to bear their own costs.

4. The appeals stand allowed in the above terms.