

(2008) 12 DEL CK 0115

Delhi High Court

Case No: Income Tax A. 571 of 2008

Ranbaxy Laboratories Ltd.

APPELLANT

Vs

The Commissioner of Income
Tax

RESPONDENT

Date of Decision: Dec. 11, 2008

Acts Referred:

- Income Tax Act, 1961 - Section 80IA, 80IB

Hon'ble Judges: Rajiv Shakdher, J; Badar Durrez Ahmed, J

Bench: Division Bench

Advocate: Ajay Vohra Kavita Jha and Sriram Krishna, for the Appellant; Rashmi Chopra, for the Respondent

Final Decision: Allowed

Judgement

Badar Durrez Ahmed, J.

Admit.

2. The following substantial question of law arises for the consideration of this Court:

(1) Whether on the facts and circumstances of the case the Income Tax Appellate Tribunal erred in law in denying deduction u/s 80IA of the Income Tax Act, 1961 on duty drawback and profit on sale of REP licenses ?

3. We find that this question has been recently considered in the context of Section 80IB of the Income Tax Act in CIT v. Dharampal Prem Chand Limited ITA 1441/2006 decided on 27.11.2008. We can dispose of this question straightforwardly. We find that the language employed in Section 80IA and 80IB, in the context of the question raised above, is virtually identical. Following the view that we have taken in Dharampal Prem Chand (supra), the question raised above, is answered in favour of the assessee and against the revenue.

To that extent the impugned order is set aside. The appeal stands allowed to this extent.