

आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

“D” BENCH, CHENNAI

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं
श्री ए. मोहन अलंकामणी, लेखा सदस्य केसमक्ष

BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.483/Mds/2015

निर्धारण वर्ष / Assessment Year : 2011-12

The Deputy Commissioner
of Income Tax,
Corporate Circle – 2,
63-A, Race Course Road,
Coimbatore.

(अपीलार्थी/Appellant)

v. M/s Salona Cotspin Ltd.,
9, Ramalinga Nagar 4th Cross,
Saibaba Colony,
Coimbatore – 641 011.

PAN : AACCS 4554 N

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Dr. B. Nischal, JCIT

प्रत्यर्थी की ओर से/Respondent by : Shri G. Baskar, Advocate

सुनवाई की तारीख/Date of Hearing : 14.10.2015

घोषणा की तारीख/Date of Pronouncement : 13.11.2015

आदेश / O R D E R

PER N.R.S. GANESAN, JUDICIAL MEMBER:

This appeal of the assessee is directed against the order of the Commissioner of Income Tax (Appeals)-1, Coimbatore, dated 29.12.2014 and pertains to assessment year 2011-12.

2. Dr. B. Nischal, the Ld. Departmental Representative, submitted that the only issue arises for consideration is with regard to deduction claimed by the assessee under Section 80-IA of the Income-tax Act, 1961 (in short 'the Act'). The CIT(Appeals) allowed the claim of the assessee on the basis of the judgment of the Madras High Court in Velayudhaswamy Spinning Mills (P) Ltd. v. ACIT (2010) (231 CTR 368). The only objection of the Revenue is that it has already filed a Special Leave Petition before the Supreme Court against the judgment of Madras High Court in Velayudhaswamy Spinning Mills (P) Ltd. (supra).

3. We have heard Shri G. Baskar, the Ld.counsel for the assessee also. The assessee claimed deduction under Section 80-IA of the Act. However, the Assessing Officer rejected the same. The CIT(Appeals), by following the judgment of Madras High Court in Velayudhaswamy Spinning Mills (P) Ltd. (supra), allowed the claim of the assessee. It is not the case of the Revenue that the judgment of Madras High Court in Velayudhaswamy Spinning Mills (P) Ltd. (supra) is not applicable to the case before us. The only objection of the Ld. D.R. is that an SLP is pending before the Supreme Court. This Tribunal is of the considered opinion that

mere pendency of SLP before the Supreme Court cannot be a reason not to follow the judgment of the jurisdictional High Court. In other words, the judgment of the Madras High Court is not only binding on this Tribunal but also binding on both the parties before this Tribunal. Therefore, the CIT(Appeals) has rightly followed the judgment of the jurisdictional High Court in Velayudhaswamy Spinning Mills (P) Ltd. (supra). Therefore, this Tribunal do not find any reason to interfere with the order of the CIT(Appeals) and accordingly, the same is confirmed.

4. In the result, the appeal filed by the Revenue is dismissed.

Order pronounced on 13th November, 2015 at Chennai.

sd/- (ए. मोहन अलंकामणी) (A. Mohan Alankamony) लेखा सदस्य/Accountant Member	sd/- (एन.आर.एस. गणेशन) (N.R.S. Ganesan) न्यायिक सदस्य/Judicial Member
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चेन्नई/Chennai,

दिनांक/Dated, the 13th November, 2015.

Kri.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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|--|--------------------------|
| 1. अपीलार्थी/Appellant | 2. प्रत्यर्थी/Respondent |
| 3. आयकर आयुक्त (अपील)/CIT(A)-1, Coimbatore | |
| 4. आयकर आयुक्त/CIT-1, Coimbatore | |
| 5. विभागीय प्रतिनिधि/DR | 6. गार्ड फाईल/GF. |