

**IN THE INCOME TAX APPELLATE TRIBUNAL  
CHANDIGARH BENCHES, CHANDIGARH**

**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER &  
Ms. ANNAPURNA GUPTA, ACCOUNTANT MEMBER**

**ITA No. 101/Chd/2017**  
Assessment Year: 2013-14

Shri Jagmohan Gurbakshish Singh, Vs. The DCIT, Circle,  
Prop. Budget Signs, Parwanoo  
Baddi, Distt. Solan

PAN No. AKNPS4042H

&

**ITA No. 858/Chd/2016**  
Assessment Year: 2012-13

M/S Universal Print O Pack, Vs. The ITO,  
Vill Kishanpura Tehsil Nalagarh Baddi, H.P.  
Distt. Solan H.P.  
PAN No. AKNPS4042H

(Appellant)

(Respondent)

Appellant By : Sh. Parikshit Aggarwal, CA  
Respondent By : Sh. Manjit Singh, Sr.DR

Date of hearing : 27.04.2018  
Date of Pronouncement : 27.04.2018

**ORDER**

**Per Sanjay Garg, Judicial Member:**

The captioned appeals were earlier decided vide orders of the Tribunal dated 24.5.2017 & 19.5.2017 respectively. However, the assessee moved separate Misc. Applications bearing M.A. No. 42/Chd/2018 & MA No. 40/Chd/2018 for recalling of orders dated 24.5.2017 & 19.5.2017 (supra). Vide a separate order of even date passed in M.A. No.42/Chd/2018 & M/A. No.40/Chd/2018, the orders

the Income-tax Act, 1961 (in short 'the Act') on account of substantial expansion of the Units.

4. During the course of hearing before us, it was brought to our notice that the issue involved in this appeal has already been adjudicated by the Hon'ble Himachal Pradesh High Court vide their order dt. 28 November 2017 in the group of cases with the lead case titled as M/s Stovekraft India vs. Commissioner of Income Tax, ITA No.20 of 2015, and it was pointed out that the Hon'ble High Court had decided the issue in favour of the assessee, holding that there is no bar in the said section denying the benefit of hundred percent deduction to new units undertaking substantial expansion. Our attention was drawn to the relevant conclusions of the Hon'ble High Court in this regard at para 55 of the order as under:

*“55.Thus, in view of the above discussion, these appeals are allowed and orders passed by the Assessment Officer as well as the Appellate Authority and the Tribunal, in the case of each one of the Assesses, are quashed and set aside, holding as under:*

*(a) Such of those undertakings or enterprises which were established, became operational and functional prior to 7.1.2003 and have undertaken substantial expansion between 7.1.2003 upto 1.4.2012, should be entitled to benefit of Section 80-IC of the Act, for the period for which they were not entitled to the benefit of deduction under Section 80-IB.*

*(b) Such of those units which have commenced production after 7.1.2003 and carried out substantial expansion prior to 1.4.2012, would also be entitled to benefit of deduction at different rates of percentage stipulated under Section 80-IC.*

*(c) Substantial expansion cannot be confined to one expansion. As long as requirement of Section 80-IC(8)(ix) is met, there can be number of multiple substantial expansions.*

*(d) Correspondingly, there can be more than one initial Assessment Years.*

We, therefore, do not find any justification at this stage to give the Assessing officer a second innings to re-examine undisputed facts.

7. In view of the above discussion, the impugned orders of the CIT(A) are set aside and the Assessing officer is directed to grant to the assessee deduction at the rate of hundred percent of its eligible profits, as per the ruling of the jurisdictional High Court in this regard in the case of 'M/s Stovekraft India vs. Commissioner of Income Tax' (supra).

8. In the result, the appeals of the assessee, therefore, stands allowed.

Order pronounced in the Open Court.

Sd/-

**(ANNAPURNA GUPTA)**  
**ACCOUNTANT MEMBER**

Dated : 27.04.2018

Rkk

*Copy to:*

1. *The Appellant*
2. *The Respondent*
3. *The CIT*
4. *The CIT(A)*
5. *The DR*

Sd/-

**(SANJAY GARG)**  
**JUDICIAL MEMBER**