

ITEM NO.37

COURT NO.4

SECTION IIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).34566/2014

(Arising out of impugned final judgment and order dated 26/06/2014 in ITA No. 5407/2010 passed by the High Court of Bombay)

M/S OPERA CLOTHINGS

Petitioner(s)

VERSUS

INCOME TAX OFFICER-018(1) (3)

Respondent(s)

(with appln. (s) for modification of Court's order, permission to file additional documents, interim relief and office report)

Date : 23/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. S. Ganesh, Adv.
Mr. Vijay Kumar, Adv.
Mr. Bharat L. Gandhi, Adv.
Ms. Vithika Garg, Adv.
Ms. Vidushi Garg, Adv.

For Respondent(s) Ms. Rashmi Malhotra, Adv.
Mr. R.M. Bajaj, Adv.
Mr. Deepak Joshi, Adv.
Mrs. Anil Katiyar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard the learned counsels for the parties.

The issue, namely, the entitlement of export incentives to deduction under Section 80-IB of the Income Tax Act, 1961 has been squarely decided by this Court in Liberty India vs. C.I.T.¹

1 (2009) 9 SCC 328

Commissioner of Income Tax vs. Meghalaya Steels Limited² does not in any way erode the efficacy of law laid down in *Liberty India* (supra) as *Meghalaya Steels Limited* (supra) was primarily a case where the Court was dealing with transport subsidy, which is a reimbursement of the cost incurred by the manufacturing unit in the North-Eastern part of the Country.

While *Liberty India* (supra) dealt with a situation of post-manufacture and availability of incentive only in the event there was export of the manufactured goods. *Meghalaya Steels Limited* (supra), as already noted, dealt with altogether a different situation.

Consequently, we do not find any merit in this special leave petition. Special leave petition is, accordingly, dismissed.

In view of the above, all pending miscellaneous applications are disposed of.

(Neetu Khajuria)
Court Master

(Asha Soni)
Court Master