

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8794 OF 2012

THE COMMISSIONER OF INCOME TAX ... Appellant

VERSUS

M/S. V. M. SALGAONKAR AND BROS. PVT. LTD. ... Respondent

WITH

C.A. No. 12754/2017

C.A. No. 8797/2012

C.A. No. 8793/2012

C.A. No. 8795/2012

C.A. No. 8792/2012

C.A. No. 8796/2012

C.A. No. 8798/2012

C.A. No. 12846/2017

C.A. No. 12763/2017

C.A. No. 12764/2017

C.A. No. 12979/2017

C.A. No. 12765/2017

O R D E R

After hearing learned counsel for the parties at length, we find that there is no dispute as to the application of provisions of Section 80HHC of the Income Tax Act, 1961, as interpreted by this Court in '*IPCA Laboratory Ltd. v. Dy. Commissioner of Income Tax, Mumbai*' [2004 (12) SCC 742]. However, on facts, it is found that the Assessing Officer made wrong computation in respect thereof, which error was corrected by the Income Tax Appellate Tribunal in

C.A. No. 8794/ 2012 etc.

the judgment rendered by it and that judgment is upheld by the High Court.

We have gone through the calculations given by the assessee during the assessment proceedings. We find that the said calculations are strictly in accordance with the provisions of Section 80HHC as interpreted in *IPCA Laboratory Ltd.'s case (supra)*.

We, thus, do not find any merit in these appeals which are, accordingly, dismissed.

....., J.
[A.K. SIKRI]

....., J.
[ASHOK BHUSHAN]

New Delhi;
September 21, 2017.

ITEM NO.104

COURT NO.6

SECTION IX

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

Civil Appeal No. 8794/2012

THE COMMISSIONER OF INCOME TAX

Appellant(s)

VERSUS

M/S. V.M.SALGAONKAR AND BROS. PVT. LTD.

Respondent(s)

WITH

C.A. No. 12754/2017 (III)

C.A. No. 8797/2012 (IX)

C.A. No. 8793/2012 (IX)

C.A. No. 8795/2012 (IX)

C.A. No. 8792/2012 (IX)

C.A. No. 8796/2012 (IX)

C.A. No. 8798/2012 (IX)

C.A. No. 12846/2017 (III)

C.A. No. 12763/2017 (III)

C.A. No. 12764/2017 (III)

C.A. No. 12979/2017 (III)

C.A. No. 12765/2017 (III)

Date : 21-09-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Mr. Arijit Prasad, Adv.
Mr. T. M. Singh, Adv.
Mr. D. L. Chidanand, Adv.
Mr. A. K. Srivastava, Adv.
Ms. Gargi Khanna, Adv.
Ms. Anil Katiyar, AOR

For Respondent(s) Mr. Percy Pardiwala, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Anuj Sarma, Adv.
Ms. Niharika, Adv.
M/s. K J John And Co, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeals are dismissed in terms of the signed order.

(NIDHI AHUJA)

COURT MASTER

(MALA KUMARI SHARMA)

COURT MASTER

[Signed order is placed on the file.]