

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 2996 OF 2004

M/S AVASARALA TECHNOLOGIES LTD. ... Appellant

VERSUS

THE JOINT COMMISSIONER OF INCOME TAX,  
SPECIAL RANGE-1, BANGALORE ... Respondent

O R D E R

The appellant-assessee herein claimed depreciation on certain machinery allegedly purchased from Andhra Pradesh State Electricity Board (hereinafter referred to as 'APSEB' for short) vide sale deed dated 29.09.1995 which, as per the appellant, was given to the APSEB itself on lease.

All the authorities below have found, as a fact, that there was no such purchase of machinery and the transaction in question is sham. On that basis, it was concluded that since the machinery was not purchased by the appellant, it never became the owner of the machinery and therefore, could not claim any depreciation thereof. These are pure findings of facts recorded by the authorities below. No question of law arises. The appeal is, accordingly, dismissed.

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

....., J.  
[ ROHINTON FALI NARIMAN ]

New Delhi;  
March 30, 2015.

Signature Not Verified

Digitally signed by  
Gulshan Kumar Arora  
Date: 2015.04.01  
18:56:26 IST  
Reason:

ITEM NO.110

COURT NO.13

SECTION IIIA

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

I N D I A

Civil Appeal No(s). 2996/2004

M/S AVASARALA TECHNOLOGIES LTD.

Appellant(s)

VERSUS

JT.COMMR.INCOME TAX,SPL.RANGE-I,BANGALORE

Respondent(s)

(with office report)

Date : 30/03/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s)

Mr. Sanjay Kunur, Adv.  
Mr. R. N. Keshwani, Adv.

For Respondent(s)

Mr. P. S. Patwalia, ASG.  
Mr. Arijit Prasad, Adv.  
Ms. Niranjana Singh, Adv.  
Mr. S. A. Haseeb, Adv.  
Ms. Anil Katiyar, Adv.  
Mr. B. V. Balaram Das, Adv.

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

The appeal is dismissed in terms of the signed order.

(Nidhi Ahuja)  
COURT MASTER

(Suman Jain)  
COURT MASTER

[Signed order is placed on the file.]