

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 13477 OF 2024**

**NIRMA INDUSTRIES LIMITED**

**APPELLANT(S)**

**VERSUS**

**ASSISTANT COMMISSIONER OF INCOME TAX**

**RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NOS. 13478-13480/2024**

**CIVIL APPEAL NO. 13481/2024**

**O R D E R**

1. Since, the questions of law raised in all the three captioned appeals are the same, those were taken up for hearing analogously and are being disposed of by this common order.

2. For the sake of convenience, we take up Civil Appeal Nos. 13478-13480/2024 @ SLP(C) No. 19633-19635/2008.

3. These appeals arise from a common judgment and order passed

by the High Court of Gujarat dated 27.08.2007 in Tax Appeal No. 378 of 1999 with Tax Appeal Nos. 558 and 559 and 1999 respectively, by which the High Court, relying on the decision of the Rajasthan High Court in the case of *Vijay Industries vs. CIT* reported in (2004) 270 ITR 175 dismissed all the three appeals.

4. The appeals before the High Court were on the following question of law:-

*"while calculating deduction under Section 80-I of the Income Tax Act whether the profits derive from the Industrial undertaking should be reduced by the claim of investment deposit under Section 32 AB of the Act or not."*

5. We take notice of the fact that the High Court, relying on *Vijay Industries* (supra), dismissed all the appeals.

6. There are no other reasons assigned in the judgment. Mr. Saurabh Soparkar, the learned senior counsel appearing for the appellant(s)-assesseees has manifold contentions to raise.

7. According to Mr. Soparkar, *Vijay Industries* (supra) on which the reliance was placed by the High Court, is no longer a good law in view of the decision of this Court in "*Vijay Industries vs. Commissioner of Income Tax*" (2019) 412 ITR 1.

8. We also heard Mr. Raghavendra P Shankar, the learned ASG for the revenue.

9. According to the submissions of Mr. Raghavendra P Shankar, the learned ASG, the judgment in *Vijay Industries* (supra) itself holds that Section 80 AB of the Income Tax Act, which was inserted with effect from 01-04-1981, applies to the assessment years in issue in three appeals and squarely supports the case of the revenue which position has also been noted in the afore-mentioned judgment i.e., *Vijay Industries* (supra), of this Court.

10. We are of the view that we should set aside the impugned order passed by the High Court and remand the appeals for fresh consideration in accordance with law, more particularly, keeping in mind the judgment of this Court holding the field today.

11. In such circumstances, referred to above, the impugned orders are hereby set aside and the matters are remanded to the High Court to be considered afresh on the questions of law which have been raised before us.

12. Since these are very old appeals the High Court may take up for final hearing and decide them in accordance with law

preferably within a period of six months from the date of receipt of this Order.

13. In view of the aforesaid, the appeals stand disposed of.

14. Pending application(s), if any, stands disposed of.

.....J.  
[J.B.PARDIWALA]

.....J.  
[K.V. VISWANATHAN]

New Delhi  
21<sup>st</sup> August, 2025.

ITEM NO.114

COURT NO.6

SECTION III

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.13477/2024

NIRMA INDUSTRIES LIMITED

Appellant(s)

VERSUS

ASSISTANT COMMISSIONER OF INCOME TAX

Respondent(s)

WITH

C.A. No. 13478-13480/2024 (III)

C.A. No. 13481/2024 (III)

Date : 21-08-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s) : Mr. Saurabh Soparkar, Sr. Adv.  
Mr. Amar Dave, Sr. Adv.  
Mr. P. S. Sudheer, AOR  
Mr. Rishi Maheshwari, Adv.  
Ms. Anne Mathew, Adv.  
Mr. Bharat Sood, Adv.  
Mr. Jai Govind M J, Adv.  
Mr. Jashan Vir Singh, Adv.

Mr. Saurabh Soparkar, Sr. Adv.  
Mr. Amar Dave, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Ankur Saigal, Adv.  
Mr. Naman Gupta, Adv.  
Mr. Siddhant Sahay, Adv.  
Mr. E. C. Agrawala, AOR

For Respondent(s) : Mrs. Anil Katiyar, AOR

Mr. Raghavendra P Shankar, A.S.G.  
Mr. Raj Bahadur Yadav, AOR  
Mr. Udai Khanna, Adv.  
Mr. Karan Lahiri, Adv.  
Mr. Navanjay Mahapatra, Adv.  
Mr. Raman Yadav, Adv.

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

1. The Civil Appeals are disposed of in terms of the signed order, which is placed on the file.

2. The relevant part of the signed order is as under:-

"...we should set aside the impugned order passed by the High Court and remand the appeals for fresh consideration in accordance with law, more particularly, keeping in mind the judgment of this Court holding the field today.

11. In such circumstances, referred to above, the impugned orders are hereby set aside and the matters are remanded to the High Court to be considered afresh on the questions of law which have been raised before us.

12. Since these are very old appeals the High Court may take up for final hearing and decide them in accordance with law preferably within a period of six months from the date of receipt of this Order."

3. Pending application(s), if any, stands disposed of.

(CHANDRESH)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)