

Commissioner of Income Tax, Andhra Pradesh ...Appellant (s)

Versus~

M/s. B.L.V. HatcheriesRespondent (s)

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The respondent has been served but has not chosen to put in an appearance.

The High Court answered in the affirmative and in favour of the assessee the following question:

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"Whether on the facts and in the circumstances of the case, the ITAT is justified in law in holding that the assessee is entitled to investment allowance under Section 32A?"

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It did so relying upon the judgment in Commissioner of Income@@
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Tax vs. Sri Venkateswara Hatcheries (P) Ltd. (174 I.T.R.@@
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231). The judgment of the High Court in the said case of Sri Venkateswara Hatcheries (P) Ltd. has been set aside in Commissioner of Income Tax vs. Venkateswara Hatcheries (P)@@
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Ltd. (237 I.T.R. 174).@@
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Accordingly, the civil appeal is allowed. The order under challenge is set aside. The question is answered in the negative and in favour of the Revenue.

No order as to costs.

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.....J.
(S.P. Bharucha)@@
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.....J.
(Y.K. Sabharwal)@@
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New Delhi,
July 17, 2001.