

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7404/2009

(From the judgement and order dated 14/01/2008 in ITA No.7/2008 of the HIGH COURT OF RAJASTHAN AT JODHPUR)

C.I.T,UDAIPUR

Petitioner(s)

VERSUS

M/S MADHAV MARBLES & GRANITES LTD.

Respondent(s)

WITH S.L.P.(C) NO. 31379 & 31381 of 2009
(With office report)

Date: 17/12/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. B. Bhattacharya, ASG.
Mr. Arijit Prasad, Adv.
Mr. M. Khairati, Adv.
Mr. Debashis Mukherjee, Adv.
Mr. M.P. Singh, Adv.
Mr. B.V. Balaram Das,Adv.

For Respondent(s) Mr. S. Ganesh, Sr.Adv.
Mr. Rahul Gupta, Adv.
Mr. Nikhil Sharma, Adv.
Mr. Bhargava V. Desai,Adv.

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

The Special Leave Petitions are dismissed on the applicability of Section 80HHC of the Income Tax Act, 1961. However, on the question of deferred revenue expenditure, on the facts of these cases, we clarify that we are dismissing these Special Leave Petitions

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SLP(C) 7404/09 etc..contd..

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only applying the rule of consistency as done by ITAT. However, we have not examined the accounting treatment of that expenditure on principle as such and to that extent, question of law is kept open.

Subject to above, the Special Leave Petitions are dismissed.

(N. ANNAPURNA)
COURT MASTER

(MADHU SAXENA)
COURT MASTER