

Sundaram Spinning Mills, Komarapalayam

Vs

Commissioner of Income Tax, Madras

Civil Appeal No. 376 of 1985

(S. C. Agarwal, D.P. Wadhwa JJ)

09.07.1997

JUDGMENT

S. C. AGRAWAL, J. –

1. This appeal by the assessee is directed against the judgment of the High Court of Madras dated 25-4-1984 whereby the following question was answered in the negative, i.e., against the assessee and in favour of the Revenue :

'Whether, on the facts and in the circumstances of the case, the a assessee is entitled to extra shift allowance in respect of the machineries added during the previous year relevant to the Assessment Year 1970-71 on the basis of double and triple shifts worked by the entire concern ?'

2. The High Court has placed reliance on its earlier judgment in CIT v. South India Viscose Ltd. (TCs Nos. 1053-54 of 1979, dated 24-4- 1984) which was based on the judgment in South india Viscose Ltd. v. CJ Civil Appeals Nos. 3179-81 of 1982t filed against the said judgment of the High Court reported in South India Wscose Ltd. ((1982) 135 ITR 206 (MAD)) have been allowed by our judgment pronounced today and a similar question has been answered in the affirmative. For the reasons given in the said judgment of this Court the question referred must be answered in the affirmative, i.e., in favour of the assessee and against the Revenue. The appeal is accordingly allowed, the impugned judgment of the High Court is set aside and the C question referred is answered in the affirmative, i.e., in favour of the assessee and against the Revenue. No order as to costs.