

SUPREME COURT OF INDIA

Commissioner of Income-Tax

Vs.

Cibatul Ltd.

(S Sen and S Quadri JJ.)

16.12.1997

ORDER

1. The following question of law was referred to the High Court :

"Whether, on the facts and in the circumstances of the case and in law, the cost of uninstalled machinery of Rs. 14,71,833 is to be taken into account in the computation of the capital for computing the relief under Section 80) of the Act ?"

2. The High Court answered the question in favour of the assessee relying on the decision in the case of CIT v. Cibatul Ltd. [1978] 115 ITR 879 (Guj). This judgment has been approved by this court in the case of CIT v. Alcock Ashdown and Co. Ltd. [1997] 224 ITR 353. In view of the aforesaid, the appeal is dismissed. There will be no order as to costs.