

**SUPREME COURT OF INDIA**

Commissioner of Income Tax, Kolhapur

Vs.

Bhogawati S.S.K. Ltd.

(B Kirpal and M Srinivasan JJ.)

24.07.1998

**ORDER**

1. Leave granted.

2. After going through the records, in our opinion, the High Court should have directed the Tribunal to state the case, because a question of law did arise in the present case. We accordingly allow this appeal and direct the Tribunal to state the case and refer the following question of law to the High Court: "Whether on the facts and in the circumstances of the case and in law, the Tribunal was justified in holding that the bonus and incentive payment in excess of 20% of salary was allowable as deduction under Section 36(1)(ii) or under Section 37(1) of the Act."

3. There will be no order as to costs.