

SUPREME COURT OF INDIA

Commissioner of Income Tax, Calcutta

Vs.

Peerless Consultancy & Services (P) Ltd.

(S.P. Bharucha, D.P. Mohapatra and Y.K. Sabharwal JJ.)

01.11.2000

ORDER

1. We have read the judgment under appeal. The Appellate Assistant Commissioner and the Tribunal have granted to the respondent company the benefit that an industrial company gets and accordingly, granted it investment allowance in respect of a generator installed by it. It has been held by them that when the respondent company processes data on behalf of its clients, it processes goods.
2. Our attention has been drawn to the judgment of the Calcutta High Court in Commissioner of Income Tax v. Shaw Wallace & Co. Ltd. 201 I.T.R. 17 which, in turn, has referred to the judgment of the Karnataka High Court in Commissioner of Income Tax v. Datacons (P) Ltd. 155 I.T.R. 66.
3. Learned Counsel for the Revenue has been unable to show us any judgment of a court of this country or abroad which takes the view that the processing of data is not the processing of goods. He has sought to take us back to the primary material; it is not the function of this Court to assess such primary material. The primary material, if any, should have been placed before the Income Tax authorities or the Tribunal.
4. The civil appeal is dismissed with costs.