

ITEM NO.20 COURT NO.5 SECTION IIIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2009
CC 3141/2009

(From the judgement and order dated 23/04/2008 in ITA No. 436/2007
of the HIGH COURT OF DELHI AT NEW DELHI)

C.I.T.,DELHI Petitioner(s)

VERSUS

M/S.HARIG CRANK SHAFTS LTD. Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 23/03/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Mr. V. Shekhar, Sr.Adv.

Mr. C.V. Subba Rao, Adv.

Mrs. Lakshmi Iyengar, Adv.

Mr. B.V. Balaram Das, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Issue notice limited to the question falling under Section

43B of the Income Tax Act.

(N. ANNAPURNA) (MADHU SAXENA)
COURT MASTER COURT MASTER

**IN THE HIGH COURT OF DELHI AT NEW DELHI
ITA 436/2007**

**COMISSION OF INCOME TAX Appellant
Through : Ms. Prem Lata Bansal, Adv.**

versus

**HARIG CRANK SHAFTS LTD Respondent
Through : Mr. Rajan Bhatia, Adv.**

CORAM:

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE MANMOHAN SINGH

O R D E R

23.04.2008

In this appeal under Section 260-A of the Income Tax Act, 1961, the Revenue has raised two substantive issues. The first issue relates to the claim made by the Assessee towards product development expenses. We have today in ITA No.550/2006 pertaining to the same Assessee, rejected the contention of the Revenue in this regard.

The second issue pertains to delayed payment of Provident Fund and ESI dues. Learned counsel for the Revenue says that in view of the decision of the Supreme Court in CIT Vs. Dharmendra Sharma; [2008] 297 ITR 320 (Delhi), no substantial question of law arises for consideration. This appeal is accordingly disposed of with costs of Rs.5000/-. The costs shall be deposited by the Revenue within four weeks by way of a cheque drawn in favour of the Registrar General of this Court, who will keep it

available for juvenile justice.

List this matter for compliance on 28th May, 2008.

MADAN B. LOKUR, J

MANMOHAN SINGH, J

APRIL 23, 2008

SD