

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**ITA No. 979 of 2008 (O&M)**

Date of decision: 28.7.2009

The Commissioner of Income Tax, Faridabad.

.....Appellant

Vs.

M/s Random Constructors Pvt. Ltd.,Gurgaon.

...Respondent

**CORAM:- HON'BLE MR.JUSTICE ADARSH KUMAR GOEL  
HON'BLE MRS.JUSTICE DAYA CHAUDHARY**

PRESENT: Mr.Rajesh Katoch, Advocate, for the appellant.

\*\*\*\*

**ADARSH KUMAR GOEL, J. (Oral)**

The revenue has preferred this appeal under Section 260A of the Income Tax Act against the order dated 4.1.2008 passed by the Income-tax Appellate Tribunal, Delhi Bench "F" New Delhi in ITA No.182/Del/2004 for the Assessment Year 1997-98 proposing to raise the following substantial questions of law:-

- i) "Whether on the facts and in the circumstances of the case, the Hon'ble ITAT was right in law in confirming order of the learned CIT(A) who deleted the addition of Rs.2,84,885/- made on account of shuttering expenses especially when shuttering materials being a durable item, could be utilized in the subsequent financial year (s) also?"

ii) "Whether on the facts and in the circumstances of the case, the Hon'ble ITAT was right in law in confirming order of the learned CIT(A) who deleted the addition of Rs.50,000/-made on account of scrap value of shuttering material disregarding the fact that these items had some scrap value?"

2. The Assessing Officer disallowed the deduction claimed on account of shuttering expenses. The CIT(A) deleted the additions and upheld the claim of the assessee by holding that the said expenses represented revenue expenses. The Tribunal affirmed the said view with the following observations:

"The expenditure in question had been incurred during the P.Y.and was revenue in nature. The fact that the material could be used in the subsequent A.Y. is no ground to deny the claim for deduction. Consequently, ground No.1 raised by the Revenue is dismissed."

xx      xx      xx  
xx      xx      xx

" There is no material before the AO to come to the conclusion that there was income of Rs.50,000/- on account of scrap value of shuttering materials. In fact the certificate of the engineering on which AO

placed reliance clearly states that the wooden shuttering material have no use after the life time.”

3. We have heard learned counsel for the revenue.
4. The findings recorded by the CIT(A) and the Tribunal are findings on fact.
5. No substantial question of law arises.
6. The appeal is dismissed.

**(ADARSH KUMAR GOEL)**  
**JUDGE**

**(DAYA CHAUDHARY)**  
**JUDGE**

**July 28, 2009**  
raghav

Note: Whether this case is to be referred to the Reporter? .....Yes/No



